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FOURTEENTH REPORT

OF THE

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING MARCH 31

PRINTED BY ORDER OF PARLIAMENT



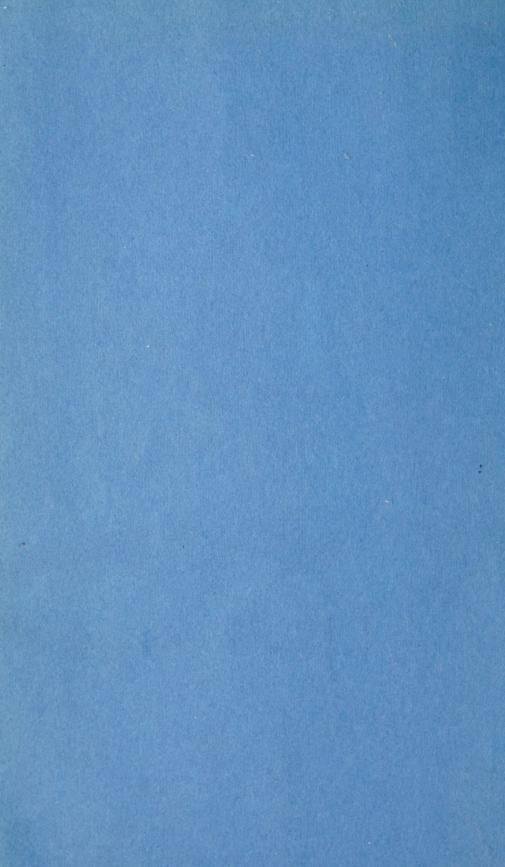
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## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

Sir H. L. DRAYTON, K.C., Chief Commissioner.

D'ARCY SCOTT, Assistant Chief Commissioner.

Hon. W. B. NANTEL, K.C., LL.D., Deputy Chief Commissioner.

S. J. McLean, M.A., LL.B., Ph.D., Commissioner.

A. S. Goodeve, Commissioner..

A. C. Boyce, K.C., Commissioner.

A. D. CARTWRIGHT,

Secretary.

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## REPORT

OF THE

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

To the Governor in Council:

Pursuant to the provisions of section 62 of the Railway Act, as amended by section 12 of chapter 32, 8-9 Edward VII, the Board of Railway Commissioners for Canada has the honour to submit its Fourteenth Report for the year ending March 31, 1919.

Since the submission of the Board's last report there have been no further amendments to the Railway Act, but there is before Parliament, for its approval, a Bill to consolidate and amend the Railway Act which it is expected will be dealt with during the present session of Parliament.

#### PUBLIC SITTINGS OF THE BOARD.

During the year covered by the period from April 1, 1918, to March 21, 1919, the Board held 66 public sittings at which 320 applications were heard. The number of public sittings held in the various provinces were as follows:—

Province—	Number.
Ontario	43
Quebec	2
Manitoba	2
Saskatchewan	4
Alberta	5
British Columbia	6
New Brunswick	2
Nova Scotia	2
Total	66

The applications heard at the above sittings of the Doard cover a large variety of matters falling within its jurisdiction, from matters of private interest to matters of general public interest affecting the community at large.

## FORMAL AND INFORMAL MATTERS.

The number of informal matters dealt with by the Board, in contradistinction to matters heard at its public sittings, constitutes a large percentage of the total applications and complaints dealt with by it, in other words, out of a total of 3,326 appli-

cations and complaints received and dealt with by the Board, 10 per cent was set down for formal hearing and 90 per cent was disposed of without the necessity of such hearing. The informal complaints, dealt with and settled without the necessity of a hearing, entail in many instances a considerable amount of inquiry and research on the part of the Board's officials, and cover a wide range of subjects, from complaints of a more or less trivial character to matters of general public interest affecting the community as a whole, or involving the application of some general principle respecting railway rates.

#### RAILWAY GRADE CROSSING FUND.

In accordance with the provisions of section 7, of 8-9 Edward VII, chapter 32, catitled an Act to amend the Railway Act, provision was made that the sum of \$200,000 each year, for five consecutive years from the 1st day of April, 1909, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing by actual construction work of protective safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the amending Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 30th March, 1919, 411 orders, providing protection at 460 crossings as follows:—

By	electric bells	252
3 6	gates	111
61	subways	50
6.6	overhead bridges	21
	diversion of highways	22
	closing of streets	5
	removal of view obstructions	3
	shelter	1
	towers	3

It will be seen by comparing the total number of crossings protected, with the Thirteenth Annual Report of the Board, that the increase for the year ending March 31, 1919, in the number of crossings protected, numbers 16, made up as follows:—

By	electric bells	11
	gates	
	overhead bridges	1
()	diversion of highways	2
	closing of streets	
	towers	1

Note.—Sixteen crossings and twenty protections, consequent on account of two bells being ordered at two crossings, extra tower at one crossing, and extra diversion in covering two crossings.

In connection with the granting of aid to protective works under this fund, attention is again directed to the fact that the Board has found that the limitation imposed by the Act has prevented contributions being made in as large a degree as would seem to be proper in the public interest in connection with the larger schemes for elimination of grade crossings. Such works in the larger cities will run into amounts exceeding \$100,000, and occasionally as high as several million dollars, so that the limitation of \$5,000 (not to be applied in any one year, to more than three crossings in any one municipality, or more than once to any one crossing), fixed by the Act, would be a mere fraction of the total amount involved.

# GENERAL DECISIONS AND RULINGS OF THE BOARD.

Submitted herewith are some of the more important matters dealt with by the Board at its public sittings for the year ending March 31, 1919.

A synopsis of the principal judgments will be found under Appendix "A" to this

report.

#### GENERAL ORDERS ISSUED BY THE BOARD.

The following is a brief summary of some of the matters dealt with under the Board's General Orders:—

Direction that the form of bill of lading issued by the Government of the United States of America for use in respect of all shipments of munitions, war materials and supplies by or on behalf of the Government or any of its contractors, be approved, and that notwithstanding the provisions of the Board's General Order No. 41, the form approved may be used by all such railway companies in regard to such shipments of munitions.

Direction that all railway companies, including the Government Railways in Canada, advance by one hour the standard time observed and used by them in the different zones in which they operate, the change to become effective at twelve o'clock Saturday evening, April 13, and to remain in force and effect until two o'clock

Friday morning, October 31, 1918.

Rescission of the Board's General Order No. 11, dated July 8, 1908, and direction for the interpretation, application and operation of the Board's General Order No 230, dated May 17, 1918, in regard to (a) interswitching, (b) interchange, and dealing generally with the matter of interswitching of freight traffic by providing that the carriers shall at all times, according to their powers, furnish an interswitching service equal to the service accorded their own traffic at all points where interswitching facilities are or may be provided, under the circumstances and at the tolls prescribed in the said Order; the schedule to give effect to the Order to be published and filed and to come into effect on July 1, 1918.

Authorization by General Order No. 231, dated May 6, 1918, of conditions and specifications for the carrying of wires and cables along or across the tracks of railway companies subject to the jurisdiction of the Board, also providing for the rescission of the Board's previous General Order No. 113, dated November 5, 1913.

Direction that the minimum carload weights of tan bark, when carried in box or stock cars under special commodity tariffs, be: for cars not over 30 feet 6 inches in length, inside measurement, 21,000 pounds; for cars over 30 feet 6 inches and not over 34 feet 6 inches in length, inside measurement, 23,000 pounds; for cars over 34 feet 6 inches and not over 36 feet 6 inches in length, inside measurement,

28,000 pounds.

Direction with respect to carriers whose tariffs provide for milling, malting, storage or cleaning of Western grain in transit. That with respect to all grain originally shipped prior to March 15, 1918, or the produce thereof reshipped within six months from the stop-over point, shall be entitled to the balance of the through rate existing at the time of the original shipment of the grain under the transit tariffs applicable; also making provision with respect to all wheat originally shipped on and after the 15th day of March, 1918, and for all grain other than wheat originally shipped on and after the 15th March, 1918, under the transit tariffs applicable thereto; and providing that the charge for the terminal service at the stop-over point, also the charge for the haul, if any, out of the direct line of transit, in accordance with the tariffs applicable, shall be additional in each case.

Direction that all railway companies subject to the jurisdiction of the Board provide their agents with rubber stamps reading, "Unloaded without exception except as noted ......—and issue a bulletin requiring their agents and

Conductor"

conductors to use the stamp referred to.

Direction in connection with subsection 3 of section 264 of the Railway Act to the effect that at least 85 per cent of the number of cars in each train shall be equipped as required thereby, and that when more than one eagine is attached to the train that the engineer of the leading engine shall operate the brakes; and making sundry and other provisions with regard to light engines, locomotive engineers, conductors, telegraph or telephone operators, train despatchers; and providing that all railway companies shall strictly conform to the rules and regulations from time to time approved by the Master Car Builders' Association governing the loading of lumber, logs, and stone upon open cars; also making provision with regard to open drains, semaphores, signals, poles, water stand-pipes and other structures, and rescinding the Board's General Orders Nos. 22 and 65.

Provision for the protection of employees where two main line tracks parallel

each other and are less than 20 feet from centre to centre.

Direction that railway companies in Canada engaged in westbound transcontinental traffic be permitted to increase their commodity rates from Eastern Canada so as to place them on at least an equality with the rates now in effect from the neighbouring states of the United States of America, such rates to become effective not earlier than the 1st August, 1918, and upon not less than five days' notice to the Board and to the shipping public.

Direction authorizing a change in Rule 1 (c) of the Canadian Freight Classification No. 16 so as to provide for a minimum weight for the first car in a series of

platform cars.

Direction that every railway company subject to the jurisdiction of the Board be required, within six days after the head officers of the company have received information of the occurrence of an accident attended with personal injury, to give notice to the Board upon the terms set out in the order.

Direction that all railway companies subject to the Board's jurisdiction engaged in east bound transcontinental traffic be permitted to increase their commodity rates from the Pacific Coast terminals in British Columbia to destinations in Western Canada, subject as a maximum to the lowest rates now in effect from the corresponding terminals in the state of Washington on like commodities to corresponding eastern destinations.

Direction that all railway companies subject to the Board's jurisdiction be required to adopt and put into use at all grade crossings protected by watchmen during the day time, certain appliances as therein described.

Authorization of standard freight tariffs of maximum mileage tolls of certain rajlroads subject to the Board's jurisdiction.

Provision for the amendment of certain schedules published and filed by certain carriers increasing certain carload minimum weights to conform to Circular No. 75 of the Canadian Railway War Board, dated at Montreal, August 5, 1918.

Direction that the Canadian Pacific Railway Company supply heaters in all cars furnished for the receipt of vegetables in carloads, subject to the charges provided for in its published and filed tariff for cars so supplied and furnished; and that heaters supplied by shippers when the company is unable to comply with the provisions of the Board's Order, be returned by the railway company.

Direction amending General Train and Interlocking Rules approved by the Board's Order No. 7563, by striking out the first paragraph of Double Track Rules 35 and substituting the pragraph set out in the order.

Direction that all railway companies subject to the Board's jurisdiction operating by steam, be directed to display certain flags by day and lights by night, at certain height above rail level, as set out in the order, and that all switches leading to regular repair tracks of every railway company be locked with special locks, the keys thereof to be carried by certain responsible parties.

Direction that the specifications for mail cars, dated May 22, 1918, submitted by the Canadian Railway Mail Service Department, as amended and corrected, be approved and adopted as the standard to be used by railway companies subject to the Board's jurisdiction.

Provision for the amendment of the Board's General Order No. 205, dated August 11, 1917, by striking out paragraph (j) of Rule 1861 and substituting therefor provision dealing with cylinders containing acetylene gas.

Direction that the regulations with respect to railway safety appliances approved under the Board's General Order No. 102, be amended by adding a provision with regard to uncoupling levers.

#### MUNICIPALITY OF BUCKLAND V. CANADIAN NORTHERN RAILWAY COMPANY.

Under an agreement with the Provincial Government of Saskatchewan, a railway bridge was erected by the respondent company over the North Saskatchewan river, with a twelve-foot roadway on each side clear of the railway track, and separated from it by a fence admitted to be safe and satisfactory for the purpose. There was no provision in the agreement for protection to vehicular traffic from trains passing over the bridge. The Board refused an application by an adjoining municipality for an order, that the respondent should provide gates and watchmen at both ends of the bridge to warn the public against approaching trains, holding that the necessity for such protection was incidental to the use of the bridge as a highway.

The facts are fully set out in the judgment of Mr. Commissioner McLean, April 2, 1918, concurred in by the Assistant Chief Commissioner. 23 Can. Ry. Cas. 13.

#### NORTH BAY LANDOWNERS V. CANADIAN NORTHERN ONTARIO RAILWAY COMPANY.

Where streets are crossed by the construction of a railway after an agreement is entered into with the municipality specifying the manner in which such crossings are to be made, providing that by-laws are to be passed to close portions of certain streets, and for the payment of compensation by the railway company, and an order of the Board is obtained granting permission to cross the streets upon the conditions of such agreement and providing that the railway company be responsible for any compensation which property owners affected (i.e. landowners adjacent or abutting on the streets) may be legally entitled to recover under the Railway Act and the Municipal Act, and such compensation is withheld or refused to be made by the railway company, the Board has jurisdiction to determine it or refer the matter either to a member of the Board under ss. 13, amended by 7 and 8 Edw. VII, c. 62 (C.), s. 4, or to a person appointed by the Board under s. 60 for inquiry and report, and the previous order of the Board granting permission to carry the railway across the streets should be amended accordingly. Subsequently a by-law was passed, closing the portions of such streets and an amending order became necessary.

See ss. 29 and 235, amended by 1 and 2 Geo. V, c. 22, s. 6; Holditch v. Canadian Northern Ontario Ry. Co. (1916), 1 A.C. 536, at p. 543, 20 Can. Ry. Cas. 101; Brant v. Canadian Pacific Ry. Co., 36 O.L.R. 619, 20 Can. Ry. Cas. 268, followed. Canadian Northern Ontario Ry. Co. v. Town of North Bay, 18 Can. Ry. Cas. 309, reversed.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, April 24, 1918, concurred in by the Assistant Chief Commissioner and Mr. Commissioner McLean. 23 Can. Ry Cas. 35.

#### TOLLS-COMPETITION. STERNE & SONS V. CANADIAN FREIGHT ASSOCIATION.

The respondent is justified in increasing the toll charged, through misapprehension, on asbestos cement in a plastic form, where it is in competition with stove putty used for the same purpose.

The application was for an order directing the respondent to accept and carry asbestos coment at the tells provided for in item 3, p. 95, Canadian Freight Classifica-

tion No. 16.

The facts are fully set out in the reasons for judgment of Deputy Chief Commissioner Nantel, dated May 31, 1918, concurred in by Commissioners McLean and

Goodeve. 23 Can. Ry. Cas. 171.

#### LEMIEUX V. BELL TELEPHONE COMPANY.

It is unjust discrimination for a public utility company, whose tolls should be equalized according to the services rendered, to charge double the toll at the attended static n for local calls compared with the toll at the coin-box booth, both being public telephones. The Board ordered the respondent to equalize its tolls for local calls by fixing a tell if relead messages on a "two-number basis" from public telephones inside the base toll area at five cents, and outside thereof at ten cents.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, June 4, 1918, concurred in by the Chief Commissioner. Deputy Chief Commissioner and

Mr. Commissioner McLean. 23 Can. Ry. Cas. 141.

CRUSHED STONE, LIMITED, AND HENDERSON FARMERS' LIME AND PHOSPHATE COMPANY V.

GRAND TRUNK RAILWAY COMPANY.

The jurisdiction of the Board as to talls concerns only their reasonableness; no matter how much the development of an industry may be in the public interest, the Board is not authorized to be an arbiter of industrial or public policy and cannot strike a low tall basis, independent of its reasonableness, but carriers may in their discretion install development talls.

British Columbia News Co. v. Express Traffic Association, 13 Can. Ry. Cas. 178; Massiah v. Canadian Pacific Ry. Co., 17 Can. Ry. Cas. 88, at p. 90; Western Retail Lumbermen's Association v. Canadian Pacific, Canadian Northern and Grand Trunk

Pacific Ry. Cos., 20 Can. Ry. Cas. 155, at p. 158, followed.

Comparing the commodity mileage scale on agricultural limestone with the special commodity tolls on crushed stone, and taking into consideration that the volume of traffic of agricultural limestone to large consuming points is not comparable with crushed stone, and that the latter commodity has been granted low commodity tolls by the carriers in their discretion, it has not been established that the existing toll basis is unreasonable.

Provincial Stone and Supply Co. v. Grand Trunk Ry. Co., 22 Can. Ry. Cas. 411,

at p. 413, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, June 18, 1915, commissioner din by the Assistant Chief Commissioner and Mr. Commissioner Goodeve, 23 Can. Ry. Cas. 132.

#### SIDNEY BOARD OF TRADE V. GREAT NORTHERN RAILWAY COMPANY.

Under s. 315 (5) where traffic moves under substantially similar circumstances and conditions, carriers are justified in charging lower tells to Victoria, B.C., an excent terminal point, for the longer haul than for the shorter haul to Sidney, B.C., an intermediate point, where Victoria is, and Sidney is not, subject to competition.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Sect., dated June 26, 1918, concurred in by Mr. Commissioner Boyce. 23

Can. Ry. Cas. 173.

RESIDENTS OF MASSETT V. GRAND TRUNK PACIFIC STEAMSHIP COMPANY.

The Board has no jurisdiction to deal with a tariff of tolls for water borne traffic between local ports, no part of such traffic being attributable to railway traffic.

Dawson Board of Trade v. White Pass and Yukon Ry. Co., 9 Can. Ry. Cas. 190, distinguished.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, June 26, 1918, concurred in by the Assistant Chief Commissioner. 23 Can. Ry. Cas. 121.

#### ALBERTA UNITED FARMERS V. CANADIAN PACIFIC RAILWAY COMPANY.

Under section 245 the Board has no jurisdiction to direct railway companies to bear the cost of installation and maintenance of telephones in their stations, but it has jurisdiction to direct them to permit municipalities or corporations carrying on a telephone business to instal instruments without charge to the railway companies in their stations.

Peoples and Caledon Telephone Cos. v. Grand Trunk and Canadian Pacific Ry. Cos., 9 Can. Ry. Cas. 161; Province of Manitoba v. Canadian Pacific Ry. Co., 21 Can. Ry. Cas. 445, followed.

The facts are fully set out in the judgment of the Assistant Chief Commisioner, June 27, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 104.

#### TOLLS-DELIVERY. GRAIN GROWERS' B.C. AGENCY V. CANADIAN NORTHERN RAILWAY CO.

A carrier is bound to have a place of delivery for traffic destined to a point to which it has quoted a tariff of tells free from the imposition of a switching tell on shipper or consignee, therefore, an order may go permitting the respondent to refund the moneys it has collected under their switching conditions at the point in question.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated June 27, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 169.

#### ABREY V. CANADIAN PACIFIC RY. CO.

Under section 254 the respondent is only obliged to maintain right-of-way fences turned into the track at each end of the bridge over the Souris river, a stream on which timber may be floated; therefore, under section 230 the respondent is prohibited from placing fences, which would amount to an obstruction, across the river.

The facts are fully set out in the judgment of the Assistant Chief Commissioner. July 4, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 17.

# CITY OF VANCOUVER V. VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.

In a case of dispute between a municipality and a railway company over the cost of a bridge carrying a highway over a railway, of which each pays a certain proportion, where owing to the length and intricacy of the accounts it is impossible for the Board in the exercise of its jurisdiction to decide the questions at issue at an ordinary hearing, the matter was referred to a referee under section 60 to take the accounts and report to the Board what amount (if any) is due by one party to the other, the reference being at the applicant's risk as to costs.

North Bay Landowners v. Considian Northern Railway Company. 22 Can. Ra. Cas. 35.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 9, 1918, concurred in by the Assistant Chief Commissioner. 23 Can. Ry. Cas. 123.

## MCKENZIE V. CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

Carriers will not be ordered to supply special doors for box cars, used to carry sand or gravel, as in the case of grain shipments, the circumstances and conditions (see section 317) of sand and gravel traffic being dissimilar to those of grain traffic.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 9, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 99.

#### BRANDON SHIPPERS V. CANADIAN PACIFIC AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

An interchange track between the lines of the Canadian Pacific Railway Company and a branch line of the Grand Trunk Pacific Railway Company was ordered by the Board to be constructed at Forest, ten miles from Brandon, at the expense of the Grand Trunk Pacific Railway Company in order to give Brandon a connection with the latter railway.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 9, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 28.

#### BIENFAIT COMMERCIAL COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY.

Where an industrial spur is built in the interests of commerce at the expense of the industry to be served, the entire cost both of construction and maintenance should be borne by such industry.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 10, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 62.

## MONTREAL AND SOUTHERN COUNTIES RAILWAY COMPANY V. TOWNS OF GREENFIELD PARK, ET AL.

Agreements between municipalities and a railway company do not oust the juri-diction of the Dominion Parliament and the Board in their administration of the Railway Act and in the fixing of tolls. Inasmuch as the agreements in question have not been validated by legislation and submitted to or approved by the Board, and in view of the greatly increased costs of transportation, the Board finds the increased tells desired by the applicant to be just and reasonable.

In re Increase in Passenger and Freight Tolls (Increase in Rate Case), 22 Can. Ry Cas. 49, Lyons Fuel and Supply Co. v. Algoma Central Ry. Co., 23 Can. Ry. Cas. 146, followed.

The facts are fully set out in the judgment of the Chief Commissioner, July 10, 1915, concurred in by the Deputy Chief Commissioner and Commissioner Goodeve. 23 Can. Ry. Cas. 106.

#### TOLLS-CARS. PLUNKETT & SAVAGE V. CANADIAN PACIFIC RAILWAY COMPANY.

Where the toll from the point of shipment to destination provided for a heated refrigerator car, and the transportation of a messenger, a charge made by the carrier for supplying additional heaters is not covered by the tariff of tolls, is illegal, and refund should be allowed.

The application was for an order directing the respondent not to charge an additional heater toll of \$22.50 per car from Minneapolis to Calgary, on five carload lots of bananas ex New Orleans.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 11, 1918, concurred in by Mr. Commissioner Boyee. 23 Can. Ry. Cas. 178.

CITY OF PORT ARTHUR V. CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

Where a subway was built under railway tracks in a public park, to which the railway was senior, to give access between the portions lying north and south of the railway, of which the entire cost was borne by the municipality except the superstructure (borne by the railway company), and the municipality having given the land on which to lay tracks to serve elevators south of the railway, of which six were to be built immediately south of the railway main line, applied for a subway under such six tracks, the senior and junior rule does not apply, and the cost of the work will be divided equally between the municipality and the railway companies interested.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 12, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 89.

#### HAMILTON RADIAL ELECTRIC CO. V. CITY OF HAMILTON, ET AL.

Where, under the Act of Incorporation of a railway company, municipalities are given power to enter into franchise agreements and pass franchise by-laws and by special Act, 7 and 8 Edward VII, chapter 117 (G), declaring such railway to be a work for the general advantage of Canada, it was enacted that the provisions of any municipal by-law relating to the company, or agreement between it and any municipality were not to be affected, the company is bound by them, and the Board has no power to increase the tolls contrary to the terms of such agreements and by-laws.

Increase in Rates Case, 22 Can. Ry. Cas. 49, at pp. 57-60, followed.

The facts are fully set out in the judgment of the Chief Commissioner, July 12, 1918, concurred in by Mr. Commissioner Goodeve, 23 Can. Ry. Cas. 114.

# TOLLS—INCREASE.—TWIN CITY COAL CO. ET AL V. CANADIAN PACIFIC, CANADIAN NORTHERN AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

In the decision of the Board in the 15 per cent Increased Rates Case, 22 Can. Ry. Cas. 49, allowing an increase on coal of 15 cents per ton, there is no separate toll for slack coal and no distinction can be made in the tolls on slack, lump, or run of the mine coal.

The application was for an order directing the respondents to reduce their tolls on slack coal to Edmonton.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 17, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 181.

GREAT WEST, BYERS MINE COAL COMPANIES AND EDMONTON COLLIERIES V. GRAND TRUNK
PACIFIC RAILWAY COMPANY.

Where tolls are blanketed, a too rigid adherence to a mileage basis, thereby giving a sudden break in the middle of a coal shipping area between coal mines competing with each other in a common market, is undesirable.

Galbraith Coal Co. v. Canadian Pacific Ry. Co., 10 Can. Ry. Cas. 325, followed. The application was for an order directing the respondent to reduce the toll on

coal from the Great West Spur to Edmonton.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 18, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 175.

BEVERLY COAL MINE AND HUMBERSTONE COAL COMPANIES V, GRAND TRUNK PACIFIC RAILWAY COMPANY.

A spur line constructed under the provisions of section 222 does not become part of the railway from whose line it is built under the provisions of an agreement with the owner providing that the railway company furnish the rails, ties and fastenings, which remain their property, and the owner provides the right of way, even if no reference is made to such agreement in the Board's order authorizing the construction of the spur, and the Board has no jurisdiction to authorize an adjoining owner to use such spur.

Blackwoods Manitola Brewing & Malting Co. v. Canadian Northern Ry. Co. and City of Winning, 44 S.C.R. 62, 12 Can. Ry. Cas. 45: Clover Bar Coal Co. v. Humberstom, Grand Trunk Pacific Ru. and Clover Bar Sand & Gravel Cos., 45 S.C.R. 346, 13 Can. Ry. Cas. 162; Boland v. Grand Trunk Ry. Co., 18 Can. Ry. Cas. 60; Kam-

merer v. Canadian Pacific Ry. Co., 21 Can. Ry. Cas. 74, followed.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 31, 1918, the Assistant Chief Commissioner dissenting, 23 Can. Ry. Cas. 64.

### APPEALS FROM DECISIONS OF THE BOARD.

For the year ending March 31, 1919, there were two appeals made to the Governor in Conneil, and five appeals to the Supreme Court of Canada from the decisions of the Board.

With reference to the appeals made to the Governor in Council, one appeal was that of the town of St. Lambert, in the province of Quebec, against a decision of the Board authorizing an increase in freight rates of the Montreal & Southern Counties Railway Company by 15 per cent and an increase in its standard maximum passenger rate so as not to exceed 2.875 cents a mile. The appeal was dismissed by Order in Council, P.C. 2518, on October 15, 1918.

The other appeal was that of the city of Hamilton, Ont., against certain orders of the Board authorizing the expropriation by the Toronto, Hamilton & Buffalo Railway of certain lands in the city of Hamilton for the purpose of making an extension to the Kinnear freight yards in that city. On January 30, 1919, the Governor in Council issued an order that as the circumstances under which the Board's orders were issued have been materially altered by the signing of the armistice, the matter should be referred back to the Board for reconsideration of its said orders and for any further action which under the existing conditions the Board might deem advisable.

With reference to the appeals to the Supreme Court of Canada referred to, the first was that of the Esquimalt and Nanaimo Railway Company in connection with the application of the municipal council of the city of Victoria and of the Attorney General of the province of British Columbia for a declaration by the Board as to the rights of the city to have access over the Esquimalt and Nanaimo Railway Company's bridge across a portion of the Victoria harbour, this latter application having been refused by the Beard. The appeal is still pending, no action having been taken other than the service of notice of appeal to the Supreme Court.

The second appeal was that of the municipality of Burnaby from an order of the B ard, dated November 19, 1918, authorizing the British Columbia Electric Railway Company to increase the commutation fares for the carrying of passengers between points on the Vancouver and Fraser Valley Railway as covered by a certain tariff, and permitting the increases covered to become effective on December 1, 1918. The appeal is still pending.

The third appeal was that of the city of Toronto, Ont., on a question of law involved from an order of the Board dated January 31, 1919, authorizing the Toronto

Terminals Railway Company to lay and maintain conduits across certain streets in the city of Toronto subject to certain conditions set forth in the Board's order. The

appeal is still pending.

The fourth appeal was that of Mr. F. W. Wegenast, of the town of Brampton, Ont., on a question of law, against judgment of the Board dismissing his application for an order directing the Grand Trunk Railway Company to issue to him a fifty-five trip ticket for use between Brampton and Toronto similar to those in use between Oakville and Toronto, and at the same rate. The appeal is still pending.

The fifth appeal was that of the Ottawa Electric Railway Company, on a question of jurisdiction, from certain orders of the Board disallowing the company's proposed

increase in passenger rates. The appeal is still pending.

A list of the appeals from the Board's decisions to the Supreme Court of Canada, since its inception, will be found under Appendix "E" of this report.

#### ORDERS, GENERAL ORDERS AND CIRCULARS.

The total number of orders issued for the year ending March 31, 1919, was 1,100. The number of general circulars issued by the Board, directed to all railway companies subject to its jurisdiction, for the year was 16. The general orders as distinguished from other orders issued by the Board, are those affecting all railway companies subject to the Board's jurisdiction. It will be noted that the number of general orders issued by the Board for the year ending March 31, 1919, was 38, as compared with 22 for the previous year.

A list of the general orders and circulars for the year ending March 31, 1919, will

be found compiled under Appendix "F" to this report.

#### JUDGMENTS OF THE BOARD.

A summary of the principal Judgments of the Board delivered between the 1st of April, 1918, and the 31st of March, 1919, will be found under Appendix "A."

#### APPLICATIONS TO THE BOARD.

The total number of applications, including informal complaints made to the Board, for the year ending March 31, 1919, was 3,326.

#### TRAFFIC DEPARTMENT OF THE BOARD.

In the Traffic Department of the Board the number of tariffs received and filed for the year ending March 31, 1919, was as follows:—

Freight tariffs including supplements	27,570
Passenger tariffs including supplements	15,701
Express tariffs including supplements	8,878
Telephone tariffs including supplements	3,600
Sleeping and parlour car tariffs including supplements	199
Telegraph tariffs and supplements	19

This makes a total of 56,967 for the year, as compared with a previous total for the year ending March 31, 1918, of 64,056. The total number of tariffs filed from February 1, 1904, to March 31, 1919, was 840,623.

The details in regard to the tariffs will be found under Appendix "B" to this

report.

# ENGINEERING DEPARTMENT OF THE BOARD.

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending March 31, 1919, number 179, and cover inspections for the opening of railways for the carriage of traffic, pursuant to the requirements of section 261 of the Railway Act, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways and general inspections falling within the scope of the work of the Engineering Department of the Board.

# OPERATING DEPARTMENT OF THE BOARD.

Under the work of this department is included the inspection of locomotive boilers and their appartenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the locations of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under Appendix "C" will be found a full and detailed report of the Chief Oper-

ating Officer of the Board.

#### ACCIDENTS AND ACCIDENT INVESTIGATIONS.

On reference to the report of the Board's Chief Operating Officer it will be noted from the comparative statement given of killed and injured that the number of accidents among passengers carried and employees, as compared with the year 1917-18, shows a decrease with regard to the number of killed, and a small decrease with regard to the number injured. It might also be noted here that the previous year of 1916-17 showed a marked decrease in regard to the number killed.

With regard to trespassers on the railway, there is a decrease in the number killed, the number killed during the year 1917-18 being 93 as compared with 77 for the year 1918-19. The number injured shows, on the contrary, a marked increase, being 102

in 1918-19 as compared with 64 in the year 1917-18.

The number of passengers killed and injured for the year ending the 31st March. 1919, was 230, a decrease of 134. The total number of employees killed and injured for the year 1918-19 was 1,461, an increase of 104 as compared with the year 1917-18. It will be noted, however, in this connection that the number of employees killed showed a decrease of 20 for the year 1918-19 as compared with the previous year. In this connection it will be noted by reference to the table given below that the total number of passengers carried on railways shows a decided decrease and the number of employees with railways also shows a marked decrease, and these facts must be taken in connection with the 1,691 in the total number of killed and injured.

Attention is again directed to the comparative statements (numbers 14 and 15) of the Chief Operating Officer setting forth in detail the situation as affecting highway crossing accidents during the years 1915 to 1919 inclusive. It will be observed on reference thereto that there has been a total of 632 accidents, covering 260 persons killed and 613 persons injured. There have been 161 accidents at protected crossings, covering 68 persons killed and 156 persons injured, and at unprotected crossings there have been 471 accidents, covering 192 persons killed and 457 persons injured.

In the year 1918-19 there were 142 highway crossing accidents, covering 41 killed and 162 injured. At protected crossings there were accidents numbering 44 in which 14 persons were killed and 47 injured. Unprotected crossings accounted for 98 accidents with 27 persons killed and 115 injured. Included in the above figures are automobile accidents to the number of 66, covering 18 persons killed and 102 injured.

Unprotected crossings accounted for 49 accidents wherein 11 persons were killed and 78 injured. Protected crossings accounted for 17 accidents with 7 persons killed and 24 injured. While these figures show an increase over the automobile accidents for the year 1917-18, which numbered 54, it is not practicable, in the absence of definite statistics as to comparative volume of automobile traffic, to make an accurate comparison with previous years. It may be assumed, however, that there has been a considerable increase in the use of automobiles particularly in the rural communities and this no doubt in a large measure accounts for the increase in the number of accidents. The matter of protection in this regard is receiving careful consideration at the hands of the Board, through its Operating Department, as to the best method of protection at highway crossings where the same are used extensively for automobile traffic.

The two immediate foregoing paragraphs indicate the fact that there are many instances where the public disregard is evidenced in respect to protective appliances by persons passing under gates or going around them, or paying very little attention to the alarm given by automatic signal or watchmen.

The following is a table giving comparisons between the total number of passengers carried by the railway companies, the number of passengers killed and injured, and the same information as to employees, and as to trespassers, showing the number of trespassers killed and the relative percentage thereof to the total number of persons killed for the year. The figures giving the total number of passengers carried and employees with railways are for the year ending June 30, 1918, the last figures available, and are taken from the railway statistics of the Dominion of Canada, published by the Department of Railways and Canals:—

Passengers			
Number of	passengers	carried on railways	50,737,294
4.6	66	killed	28
6.6	66	injured	202
Employees-			
Number of	employees	with railways	143,493
64	4.	killed	117
66	66	injured	1,344
Trespassers-			
Number of	trespassers	killed	77
		ers killed to total of 264.	

It will be observed that of what may be termed preventable loss there were 77 killed under the heading of trespassers, and 102 injured, and that this is a reduction of 16 in the number killed and an increase of 38 in the number injured from the year 1917-18.

The following table shows the totals by provinces as regards trespassers killed injured for the year ending March 31, 1919:—

ijured for the year ending March 51, 1919:—		
Province—	Killed.	Injured.
Ontario	41	58
Quebec	19	23
Manitoba	3	4
Saskatchewan	6	1
Alberta	3	4
British Columbia	5	7
Nova Scotia		2
New Brunswick		3
Yukon		
Total	77	102

#### FIRE INSPECTION DEPARTMENT OF THE BOARD.

The policy of the Fire Inspection Department of the Board of co-operation with the various federal and provincial fire protective organizations has been carried out as in previous years.

A total of 1,144 fires from all causes were reported as originating within 300 feet of railway lines in forest sections, subject to the jurisdiction of the Board. This is an increase of 47 fires over the figures for the preceding year. Of these fires, 468 were of an incipient nature and did no damage. Seventy-eight per cent are definitely attributed to railways, seven per cent to known causes other than railways, and fifteen per cent to unknown causes. A total area of 64,591 acres were burned over. Eighty-nine per cent of this area was burned over by fires definitely attributed to railways, three per cent by fires due to known causes other than railways, and eight per cent to fires of unknown origin.

The total damage by all these fires is estimated at \$102,416; of this, the railways are charged with sixty-six per cent, while twenty-six per cent is charged to known causes other than railways, and eight per cent to unknown causes. The aggregate

monetary damage due to fires is \$3,252 less than in 1917.

Under Appendix "D" will be found a full and detailed report of the Chief Fire Inspector of the Board.

#### ROUTINE WORK OF THE BOARD.

#### SECRETARY'S DEPARTMENT.

Since the publication of the last annual report the only change that has taken place in the personnel of this department is the transfer of Mr. J. Timmins, clerk and stenographer, to the staff of the Operating Department of the Board. The Board has not deemed it necessary to fill the vacancy caused by the transfer of Mr. Timmins.

#### RECORD DEPARTMENT.

Since the publication of the last annual report there has been no change in connection with the clerical staff of this department.

Below is given a table setting forth the number of applications, filings and letters received during the year ending March 31, 1919, together with the number of orders issued:—

Number	of	applications made	3,326
6.6		filings received during the year	32,420
6.6		outgoing letters during the year	27,700
4.6		orders issued during the year	1.100

SESSIONAL PAPER No. 20c

STATEMENT showing the applications made to the Board under the various sections of the Railway Act, for the fiscal year ending March 31, 1919.

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Statement showing the applications made to the Board under the various sections of the Railway Act, for the fiscal year ending March 31, 1919.—Continued.

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#### APPENDIX A.

COMPLAINT OF RETAIL MERCHANTS' ASSOCIATION OF CANADA, PROVINCIAL COAL SECTION OF ONTARIO, PER H. A. HARRINGTON, TORONTO, ONT., REGARDING CANADIAN PACIFIC RAIL-WAY INTERSWITCHING CHARGES OR TARIFFS AND ARBITRARY CHARGE FOR PLACING OF CARS NOT DIRECTLY CONSIGNED.

CONSIDERATION OF FURTHER SUBMISSIONS OF THE CANADIAN MANUFACTURERS' ASSOCIATION, THE TORONTO BOARD OF TRADE, AND MR. ROBIN BOYLE, REPRESENTING THE SHIPPERS OF CRUSHED STONE, WITH RESPECT TO RESOLUTION NO. 1A OF THE CONVENTION OF COAL DEALERS OF ONTARIO PRESENTED BY MR. H. A. HARRINGTON, TORONTO, AND HEARD AT TORONTO, APRIL 13, 1917. FILE 6713.135.

Synopsis of Judgment, Commissioner McLean, dated March 22, 1918, concurred in by Chief Commissioner Drayton, Assistant Chief Commissioner Scott, and Commissioner Goodeve:-

The application was launched in a series of resolutions as follows:-Resolution No. 1-A requested suspension of the Canadian Pacific tariff providing that cars consigned to one terminal but required at another terminal, although within the corporate limits of the city of Toronto, should be subject to a charge ranging from \$3 to \$5 per car.

Resolution No. 2 requested that the railways be required to place cars on which placement orders had been given, customs passed and charges paid, within twentyfour hours, and be subject to a charge for delay in placing beyond that time. This amounted to an application for reciprocal demurrage on which the Board, when approving the Code of Car Demurrage Rules, file 1700, stated that it was a question on which they would not, at that time, give a ruling.

Resolution No. 3 requested that where the break-up yard was within the corporate limits of adjoining cities or towns, all private sidings abutting thereon should be considered as a part of the break-up yard and that no charge should be made for placing on such siding. While this resolution is in general terms, it developed at the first hearing that the real complaint was against an extra switching charge from West Toronto to Lambton. This matter was adjusted by the railways by the elimination of Lambton station and the treatment of sidings in that district as a part of West Toronto yard.

Resolution No. 4 requested that where cars were consigned to a terminal, the consignee should be entitled to have such car or cars placed on any private or public siding within the corporate limits of the city or town within which terminal was situated without extra charge. This resolution resolved itself into a complaint of overcharge of the Grand Trunk for switching coal, ex Canadian Pacific Railway, to the York yard. The charges have been investigated and it was found that they were in accordance with the company's tariffs lawfully on file.

The movement in question is outside of the four-mile limit of the General

Interswitching Order.

This disposes of the complaint with the exception of Resolution No. 1-A.

Formerly the Canadian Pacific treated West Toronto as a break-up yard and cars consigned to Toronto were sent to this yard when consignee was allowed twentyfour hours after notice of arrival within which to give his orders for one free placement

within the yard limits of the original destination for unloading, or one free reconsignment for unloading within the yard limits of another of the group of Toronto terminals. This arrangement was satisfactory to the coal trade, as the cars were coasigned simply to Toronto, and the railway's practice had been to hold in West Toronto yard for placement orders.

Under the new tariff of the Canadian Pacific Railway C.R.C. No. E-2646, as amended by Supplement No. 54, the consignee is required to consign his cars to one of the terminals and if required at another terminal he must pay the reconsign-

ment charge.

The Canadian Pacific Railway claim that the purpose of the West Toronto yard is to break up and marshal trains, and that it is sufficient for no other purpose, and that in order to relieve the congestion it was necessary to make the arrangement referred to.

Complainants claim that owing to transit delays it is practically impossible to anticipate the arrival of cars with the result that the original consignee has supplied himself elsewhere and it is necessary to deliver to other consignees who may be located at a different terminal.

In so far as the Grand Trunk is concerned all eastbound freight is held at Mimico and westbound freight at York until advice is received from consignee as to where he wishes the car placed. The first placing is made without charge.

Prior to the Canadian Pacific tariff above referred to the practice of the Cana-

dian Pacific was the same at West Toronto.

In the complaint of A. H. Mayland, of Calgary, v. C.P.R. file 25939.1, the Board by its Order No. 24714 of February 9, 1916, directed that the complaint of the additional charge for diversion at the terminal point should be dismissed, the

charge concerned having been established as justifiable.

It developed that the practice of the Grand Trunk and Canadian Northern was not to make a charge when the point of diversion was within the same group of terminals. The Canadian Pacific Railway Company was asked to justify its practice, and the company stated that the charge was justified under the Board's Order No. 6901, it being contended that a car consigned to Montreal, under the Canadian Pacific Railway's practice, was consigned to a specific station, namely, Place Viger, and that if on its arrival at this point the railway was asked to place it at Outremont, Jacques Cartier, Mile End, or any other station within the municipality of Montreal, this would be a diversion under the order.

The following opinion was expressed in memorandum of Mr. Commissioner

Goodeve on which the order was issued:-

"It is clear from the evidence that if an attempt were made in large cities, such as Montreal, to have one general point to which all carload traffic would be consigned, there to be held until directions were given to place on a specific siding, it would involve great confusion and delay, resulting in a loss to the shippers, and it would be impracticable to carry it out owing to the very large amount of space that would be necessary to obtain sufficient yardage."

While the system of separate freight terminals in Montreal has been approved, the decision, while inferentially bearing on the Toronto situation, is not conclusive in respect of Toronto.

The matter being one of operating conditions, the Board's Operating Department investigated the matter and reported as follows:—

"The Canadian Pacific Railway have divided the terminals into groups, and they ask their shippers to bill to the central yard in each group. Any reconsignment from one group to another is charged for according to their

tariffs. I find that this is the best principle to work on in a terminal the size of the city of Toronto and has an advantage over the Grand Trunk method, and that there should be less delay to freight because more of it will get to its final destination without the sorting yard 'hold-up' that necessarily follows on the Grand Trunk."

It being justifiable from an operating standpoint to have distinct terminals, said subdivisions being in aid of and facilitating the movement, it follows that the provisions as to reconsignment complained of are provisions properly applicable.

COMPLAINT OF THE BOARD OF TRADE OF NANAIMO, B.C., AGAINST THE WITHDRAWAL OF THE PACIFIC COAST TERMINAL RATES TO NANAIMO AND THE SUBSTITUTION OF AN ARBITRARY OVER THE VANCOUVER RATES; AND THE ORDER OF THE BOARD NO. 24885, DATED MARCH 16, 1916, DISMISSING THE COMPLAINT.

The complaint here was made by the Nanaimo Board of Trade. It concerns the Canadian Pacific Railway Company's tariff which eliminated Nanaimo, B.C., as a terminal freight point. The question as to terminal rates was dealt with by Commissioner (now Assistant Chief Commissioner) McLean on the original application, in which the view was expressed that railways may or may not meet water competition or competition in any form; that this was a matter for the company to decide, and that the Board, having no power to compel a company to meet water competition, has no power to compel it to install a terminal rate, nor power to compel it to continue a terminal rate which the railway company had already established and desired to take out.

The Chief Commissioner, Sir Henry Drayton, in dealing with the present application, accepts this disposition of the case so far as it related to terminal rates, merely adding that the company's untrammelled right to meet or to disregard competition is subject to the qualification that, having elected to meet competition at any point on its system in a district where similar operating and traffic conditions obtain, the competitive rate should be extended to such other points in the common district. The conditions here, however, are dissimilar. The water movement into Namaimo is very small as compared with the water movement into Victoria.

Besides, however, the question of terminal rates, the further questions of the length of rail haul and discrimination or no discrimination were raised, which rest on the question whether or not Ladysmith or Esquimalt was the terminal facility used by the Canadian Pacific Railway. It appears that the grid, or wharf, at Ladysmith was owned by a coal company, which it, however, permitted the Canadian Pacific Railway to use, but that the coal company was connected with the Canadian Northern interests, and that the Ladysmith facilities were being abandoned by the Canadian Pacific Railway, which ran its car ferry to Esquimalt. The Canadian Pacific Railway's contention was that the connection at Ladysmith was practically in the hands of its competitor, the Canadian Northern, and that because of this fact and because of tidal conditions Esquimalt was decided on as the proper place to establish its transfer facilities; that it would be absurd to base any rate on a transfer which might be taken away from the company at any time, and that, in fact, a very small amount of money and very little traffic was involved in the application.

It was admitted that the Ladysmith transfer was closer to Nanaimo and the water distance less to Ladysmith than to Esquimalt, but it was urged on behalf of the company that the question of mileage distance on water-borne traffic was not a material one.

The movement of commodities such as flour, mill feed, and oats is covered by a tariff which gives Nanaimo exactly the same rate as Victoria. The company's mileage tariff, however, differentiates on hay and other commodities between Nanaimo

and Vancouver. Under this tariff, Victoria has a mileage of 90.7, while Nanaimo pays on a mileage of 155.8 over Vancouver. Obviously, the Ladysmith movement to Nanaimo could be made with less cost than the movement through Esquimalt.

The Chief Commissioner, in his judgment of March 25, 1918, concurred in by Commissioner Goodeve, says:—

"I think that the parties would be treated justly by setting one situation off against the other, and treating Ladysmith and Esquimalt on the same basis.

"As matters now stand, it is perfectly clear that the Railway Company has open to it two routes to Nanaimo—the one involving a shorter rail mileage and, therefore, a more economical movement than the other. It is the duty of the company, under such circumstances, in the interests of the shipper, to take the shorter, more direct, and more economical movement; but, under the present tariff situation, the whole of the economy is obtained by the company.

"Ladysmith's mileage given in the company's tariff is 141.7 miles from Vancouver. In my opinion, that mileage ought to be reduced to the Esquimalt mileage of 87, as long as the Ladysmith transfer can be used by the company, the mileage of stations which ought to be served by the Ladysmith Transfer rather than the Esquimalt Transfer, having regard to the shorter rail movement, should be reduced to 87 miles, plus the mileage from Ladysmith to destination. Under these circumstances the mileage to Nanaimo will be reduced from 155.8 to 101 miles."

Undue discrimination, in the opinion of the Board, was not shown, and the application, therefore, dismissed. This action, however, not to prejudice a further consideration of the application as and when traffic conditions may justify it. 23 Can. Ry. Ca's. 92.

#### MUNICIPALITY OF BUCKLAND V. CANADIAN NORTHERN RAILWAY.

Under an agreement with the Provincial Government of Saskatchewan, a railway bridge was erected by the respondent company over the North Saskatchewan river, with a twelve-foot roadway on each side clear of the railway track, and separated from it by a fence admitted to be safe and satisfactory for the purpose. There was no provision in the agreement for protection to vehicular traffic from trains passing over the bridge. The Board refused an application by an adjoining municipality for an order, that the respondent should provide gates and watchmen at both ends of the bridge to warn the public against approaching trains, holding that the necessity for such protection was incidental to the use of the bridge as a highway.

The facts are fully set out in the judgment of Mr. Commissioner McLean, April 2, 1918, concurred in by the Assistant Chief Commissioner, 23 Can. Ry. Cas. 13.

In re complaint of the swift canadian company, limited, against freight charges and refusal of railway companies to make allowance on box cars.

This was a complaint of the Swift Canadian Company, Limited, of Winnipeg, Mon., against freight charges and the refusal of railway companies to make allowance on box cars used in cases where the said railway companies were unable to furnish stock cars at the St. Boniface stock yards for service to the plant of the complainant company.

The complaint is concerned entirely with the Canadian Pacific Company's local movement for a the Union Stock Yards at St. Boniface to the Swift Canadian Company's packing-house on the east side of the Red River in the district known at Elmwood.

Supplement 1, effective May 21, 1917, to Canadian Pacific Railway Switching Tariff C.R.C. No. W. 2251, of April 17, 1917 (both in effect when the hearing was held, although Mr. Ingram's quotations were from the previous tariff), shows a rate of 1 cent per 100 pounds, minimum \$5 per car, on live stock from the Union Stock Yards to abattoirs situated on Canadian Pacific Railway tracks and Canadian Pacific Railway stock yards at Winnipeg. It is obvious that what is really meant is a flat \$5 per car rate, since no carload of stock would weigh 50,000 pounds.

If stock cars are not available and box cars are substituted, the railway agent must have some unit of measurement in order to prevent more animals being shipped than could have been loaded in stock cars for the same charge; hence the provision in the Company's Special Tariff of Rules and Regulations, C.R.C. No. W. 2139.

quoted by Mr. Ingram, as follows:-

"Whenever through shortage of stock cars for carload shipments of cattle and horses, the Car Service Department finds it accessory to supply 1 x cars in lieu thereof, a sufficient number of box cars may be supplied to runnish carrying capacity equivalent to the number of stock cars ordered, at the minimum weights for stock cars required, actual weight if greater.

"In applying above authority, agents will use following scale as maximum carrying capacity of stock cars and draw waybill for each stock carload accord-

ingly:--

"Cattle—Beef cattle, 18 head. Yearlings, 35 head. Two-year olds, 26 head. Mixed cars of cattle of different ages (including cows), 22 head.

. "Horses-Heavy, 17 head; medium, 19 head; light, 22 head.

"Box cars in accordance with above will only be supplied on specific authority of the Car Service Department, reference to which will be noted on waybills.

"Agents must show clearly on waybills what cars were ordered by shippers and what cars supplied, such as—'One stock car ordered, two box cars supplied.'"

The arrangement above set out as to equivalent carrying capacity is stated by the railway to have been in operation for some twenty years, under an arrangement with western live stock shippers.

During a period extending from October 26 to November 4, and owing to the inability of the railway to supply live stock cars for the intra-terminal movement concerned, the applicant had to use 71 box cars in the movement of cattle.

Held, Mr. Commissioner McLean, in his judgment, April 3, 1918, concurred in by Chief Commissioner Drayton, that the tariff under which application was made was explicit as to the 18 head basis; that had the Board been of the opinion that 15 head was the proper basis on a switching movement, then this could only have been a direction for amendment of tariff as to the future. Held, further, that the Board could not have it made retroactive. As the tariff no longer permits as to switching movements—what is involved is the complaint—there is nothing on which to rule in connection with the application as launched.

In re SENIORITY MIDLAND RAILWAY COMPANY AND GRAND TRUNK PACIFIC CROSSING IN THE PARISH OF ST. BONIFACE.

The Midland Railway Company, incorporated by the Legislature of the Province of Manitoba, applied to the Board for an order determining which railway company was senior at a crossing of the tracks of the applicant company over the tracks of the Grand Trunk Pacific on block 2, parish lot 56, in the parish of St. Boniface, Man.

Held. Mr. Commissioner McLean in his judgment, dated April 25, 1918, concurred in by Mr. Commissioner Boyce (dissented to by Assistant Chief Commissioner Scott in his judgment, April 4, 1917), that the location plan approved in 1906, involving as it did an intersection of the subsequently approved and constructed Grand Trunk Pacific line, did not give the Midlaud Railway rights of seniority as to the whole block of land involved. Held, further, that whatever rights of seniority were conferred by the priority of its location plan of 1906 these were in respect of the specific right of way involved in the approval. Held, further, that the Midland Railway cannot, on abandoning this location, impute these rights to a right of way approved subsequently to the construction by the Grand Trunk Pacific across the land embraced in such later approved right of way.

City of Edmonton v. Calgary and Edmonton Ry. 18 Can. Ry. Cas. 420, and City of Edmonton v. Calgary and Edmonton Ry. Co. 53 S.C.R. 406, followed.

The Mildand Railway Company, incorporated by the Legislature of the Province of Manitoba, applied to the Board for a determination of the question as to which railway company was senior at a crossing of the tracks of the applicant company over the tracks of the Grand Trunk Pacific on block 2, parish lot 56, in the parish of St. Boniface, province of Manitoba.

The steps taken by the railway companies which have any bearing on the question of seniority at the crossing may be best set out in their chronological order.

The Midland Railway Company purchased block 2, parish lot 56, St. Boniface, in 1905; and, title thereto was vested in the company on the 5th of October, 1906, by a certificate of title under the provisions of the Real Property Act of the province of Manitoba. This block is nearly 600 feet long and 300 feet wide. Block 2 and adjoining property, also of a width considerably in excess of the ordinary width of the right of way of a railway was acquired by the Midland Company for the purposes of its railway, it being suitable for yards and station grounds. A plan showing the approved location of the Midland Railway on a 100-foot strip of land through the west end of block 2 was registered in the Winnipeg Land Titles Office on the 3rd May, 1906.

The location of the Grand Trunk Pacific Railway through block 2 and over the approved location of the Midland Railway was approved by order of this Board, No. 3507, dated 15th August, 1907. The application for this approval was made and the order issued without notice to or the actual knowledge of the Midland Railway.

The approved location of the Grand Trunk Pacific was deposited in the Land Titles Office, August 20, 1907. The Grand Trunk Pacific Railway was built through block 2 in 1908 without notice to or the knowledge of the Midland Railway. Upon the matter being brought to the attention of Mr. B. B. Kelliher, then Chief Engineer of the Grand Trunk Pacific, he wrote Mr. A. H. Hogeland, Chief Engineer of the Midland Railway, on January 29, 1909, in part as follows:—

"I would like you to understand that it was by no means intentional that we went ahead and constructed our line over the property of the Great Northern (Midland Railway) without first endeavouring to acquire the right of way in the usual way and respect the wishes of your Company in that matter.

"You will see from attached blue print the actual conditions. We have installed a new interlocking plant at that point and have made provisions for

the levers necessary to include your line when you construct it."

In 1911 the Midland Railway decided not to construct its railway on the location through block 2, as shown on the location plan deposited in the Land Titles Office in 1906, but on a location through the same block 2 but some distance to the east of the original location of 1906. A plan of the new location through block 2 and over the Grand Trunk Pacific tracks was duly approved by the previncial authorities and deposited in the Land Titles Office on August 10, 1911.

By Order No. 14996, dated 15th September, 1911, this Board authorized the Midland Railway Company to join its tracks with the tracks of the Canadian Northern Railway Company and cross the tracks of the Grand Trunk Pacific Railway Company on block 2, as shown on the location plan of the Midland Railway deposited

in the Land Titles Office on August 10, 1911.

The Grand Trunk Pacific Railway has from time to time offered to purchase a right of way for its railway through block 2, from the Midland Railway Company, but no agreement has ever been reached.

Subject to the effect, if any, of the depositing of the Grand Trunk Pacific location plan in the Land Titles Office in 1907, the Midland Railway Company is still the

owner of block 2.

The question for the Board to determine is which railway company is senior, so that the adjustment of the cost of the construction and maintenance of the interlocking plant at the crossing may be arranged between the companies upon the usual rule as to seniority and juniority.

Held, that an order should issue declaring the Midland Railway to be senior at

the crossing in question. 23 Can. Ry. Cas. 80.

COMPLAINT OF THE CALGARY LIVE STOCK EXCHANGE re DISCONTINUANCE BY RAILWAY COMPANIES OF PRACTICE OF SANDING CARS FOR LIVE STOCK.

Complaint was made to the Board by the Calgary Live Stock Exchange as to the discontinuance of sanding cars used in the shipment of stock. It was contended by the applicants that the placing of sand on the floor of the cars was necessary in order to give the cattle a proper foothold, thus safeguarding and protecting them.

The matter was set down for hearing and was directed to stand until the 15 per

cent increase in passenger and freight rates had been dealt with.

The Canadian Pacific Railway Company objected to doing the work free of charge, and it was contended by counsel for the shippers that the providing of sand on the floor of the car was part of the obligation of the railways as to providing proper equipment. The railway contended that it provided a suitable vehicle—that is to say, the car. It further stated that when the cars were cleaned in transit, it resands them, putting back clean bedding into the car; that what was being attempted was to put the obligation as to sanding cars on the railway at the initial shipping point, and this was regarded as not being an obligation imposed on the railway by the Railway Act, but that it was properly a burden which should be looked after by the shipper.

Held, Commissioner McLean in his judgment, dated April 6, 1918, concurred in by the Chief Commissioner, that by Item 62 of Supplement 7 to Canadian Pacific Railway Tariff C.R.C. W-2250, effective October 1, it is provided that when cars furnished for shipment of live stock are sanded by the railway company a charge of \$1 per car would be made for this service, in addition to the published tariff rates.

APPLICATION OF THE PROVINCIAL STONE AND SUPPLY COMPANY OF TORONTO re COMMODITY RATES FROM BURRITTS, ONTARIO.

This was an application made by the Provincial Stone and Supply Company of Toronto, Out., for an order of the Board requiring the Canadian Pacific Railway Company to publish specific commodity rates on crushed stone from Burritts, Ont., to various surrounding points.

The applicants are the owners of some undeveloped quarry property adjoining the line of the Canadian Pacific Railway, about three-quarters of a mile east of Burritts station. The object of the applicants was to obtain a guarantee of such rates as, in their opinion, would justify them in investing the necessary capital to develop this

property.

Held, Mr. Commissioner Goodeve in his judgment, dated April 10, 1918, concurred in by Assistant Chief Commissioner Scott and Commissioner McLean, that the rate complained against had not been shown to be unreasonable per se. Held, further, that in view of the large movement of crushed stone under the rates in question, the Board would not be justified in making the order asked for. 22 Can. Ry. Cas. 411.

APPLICATION OF BRITISH COLUMBIA ELECTRIC RAILWAY TO INCREASE IN FREIGHT RATES

This was an application made by the British Columbia Electric Railway, on behalf of the Vancouver and Lulu Island Railway and the Vancouver and Fraser Valley Railway, for permission to increase by 10 per cent the freight rates on the portions of its system which are subject to the Board's jurisdiction, the increases as asked for being the same as have been allowed by the Board in respect of the steam lines subject to the Board's jurisdiction operating in British Columbia. The portions of the British Columbia Electric subject to the Board's jurisdiction are the Vancouver and Lulu Island Railway, with a mileage of 26.9 miles, which is leased from the Canadian Pacific, and the Vancouver, Fraser Valley and Southern with a mileage of 14.7.

The applicant was directed by the Board to serve on the municipalities affected copies of the application and the reasons therefor. Service was accordingly made on the Boards of Trade of New Westminster, South Vancouver and Vancouver, and on the municipalities of Richmond, South Vancouver, Point Grey, Burnaby, New Westminster and Vancouver. The lines concerned operate through the municipalities in question.

Protest was made by the Corporation of the District of Burnaby, by its solicitors, against the freight increases asked for on the Vancouver-Steveston and New Westminster-Eburne lines of the Vancouver and Lulu Island Railway and the Burnaby Lake Line of the Vancouver-Fraser Valley and Southern Railway; and it was asked that no action should be taken pending hearing. The Board was advised by the solicitors for Burnaby as follows:

#### "Re B.C.E.R. Freight Rates, File No. 28439.

"We are instructed by the Municipal Council of Burnaby to withdraw the protest against the raising of freight rates by the B. C. Electric Railway, Ltd. on the Vancouver-Steveston and New Westminster-Eburne Lines of the Vancouver and Lulu Island Railway and the Burnaby Lake Line of the Vancouver-Fraser Valley and Southern Railway as contained in our letter of 15th March last.

"The Transportation Committee of the Council of Burnaby have gone into the matter with the representative of the Railway Company and are satisfied that the increase, if granted, will not impose any serious hardship upon the residents of Burnaby."

No other representations were made by the municipalities and bodies concerned. Held, Mr. Commissioner McLean in his judgment, dated April 23, 1918, concurred in by Chief Commissioner Drayton, that the Board had already held that the standard

passenger rate in British Columbia was sufficiently high; that the present application for increase of freight rates had been justified and the increases as allowed in the case of steam railways in British Columbia should become effective in fifteen days from the date of the order making the judgment effective.

City of Montreal v. Bell Telephone Co., 15 Can. Ry. Cas., 118, at p. 135, referred to.

#### NORTH BAY LANDOWNERS V. CANADIAN NORTHERN ONTARIO RAILWAY CO.

Where streets are crossed by the construction of a railway after an agreement is entered into with the municipality specifying the manner in which such crossings are to be made, providing that by-laws are to be passed to close portions of certain streets, and for the payment of compensation by the railway company, and an order of the Board is obtained granting permission to cross the streets upon the conditions of such agreement and providing that the railway company be responsible for any compensation which property owners affected (i.e., landowners adjacent or abutting on the streets) may be legally entitled to recover under the Railway Act and the Municipal 'Act, and such compensation is withheld or refused to be made by the railway company, the Board has jurisdiction to determine it or refer the matter either to a member of the Board under section 13, amended by 7 and 8 Edward VII, chapter 62 (C), section 4, or to a person appointed by the Board under section 60 for inquiry and report, and the previous order of the Board granting permission to carry the railway across the streets should be amended accordingly. Subsequently a by-law was passed, closing the portions of such streets and an amending order became necessary.

See ss. 29 and 235, amended by 1 and 2 Geo. V, c. 22 s. 6; Holditch v. Canadian Northern Ontario Ry. Co., (1916) 1 A.C., 536, at p. 543, 20 Can. Ry. Cas., 101; Brant v. Canadian Pacific Ry. Co., 36 O.L.R. 619, 20 Can. Ry. Cas. 268, followed. Canadian Northern Ontario Ry. Co., town of North Bay, 18 Can. Ry. Cas. 309, reversed.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, April 24, 1918, concurred in by the Assistant Chief Commissioner and Mr. Commissioner McLean, 23 Can. Ry. Cas. 35.

COMPLAINT OF THE ONTARIO ASSOCIATED BOARDS OF TRADE re DELIVERY OF FREIGHT AT FLAG STATIONS,

This was a complaint filed with the Board by the Ontario Associated Boards of Trade with reference to alleged unsatisfactory conditions prevailing with respect to the delivery of freight to, and facilities afforded at flag stations.

The case was heard at a sittings of the Board at Hamilton on October 22, 1917, the following being the complaint as formulated in a letter of the President of the Associated Boards of Trade, dated June 23, 1917:—

"In order to be able to present to the Board some tangible evidence of the conditions obtaining we circularized a number of merchants, customers of wholesale houses in different distributing centres, asking for information as to what protection was afforded goods after being unloaded, as to loss and damage sustained and what in their opinion were the main reasons therefor. We are forwarding with this application the replies received from some eighty merchants obtaining goods at about the same number of stations."

Out of these eighty replies submitted, and which were carefully gone over and checked, it was found that a number of them had to do with railways over which this Board had no jurisdiction. A careful analysis of these complaints, and of the evi-

dence on file and adduced at the hearing would show that the complaints may be divided as follows:-

1. Those due to the defect in the shelter already provided either from being

inadequate or in a bad state of repair.

2. Damage due to carelessness on the part of the company's employees in unloading.

3. Those in which no shed or shelter of any kind was provided for the protection

of goods.

4. Difficulty in obtaining proper evidence in case of claims for loss or damage of

goods.

Held, Mr. Commissioner Goodeve in his judgment, dated April 30, 1918, concurred in by Chief Commissioner Drayton, that with regard to the first complaint the companies should take the necessary steps to rectify the matter. That with regard to the second complaint an order should issue directing all railway companies under the Board's jurisdiction to issue a bulletin notifying conductors in charge of L.C.L. freight that all packages for flag stations must be unloaded from the platform after the train has come to a full stop; that wherever shelters are provided they must be placed in the same; and that conductors will be held responsible for the carrying out of these instructions. With regard to the third complaint it is held that a case had not been made out that would justify the Board in making a general order that would involve a fairly large expenditure of money by the railway companies at a time when it is essential that every dollar should be conserved as far as possible without undue injury to the public service. With regard to the fourth complaint it was held that the matter might be met and the same results obtained without the expense and other objections of the carriers by adopting for general use a stamp to be agreed upon to be used on all bills of lading drawn upon flag stations, to be signed by the conductor.

APPLICATION OF THE QUEBEC RAILWAY, LIGHT, HEAT AND POWER COMPANY, LIMITED, re FILING OF TARIFFS FOR A GENERAL ADVANCE IN TOLLS.

This was an application of the Quebec Railway, Light, Heat and Power Company, Limited, to the Board for an order permitting the company to file tariffs providing for a general advance in tolls for the carriage of passengers over its line, in the same manner and to the same extent as has been permitted by the Board in the case of steam railways.

It appeared that the Montmorency division of the Quebec Railway, Light, Heat and Power Company is operated both by steam and by electricity. The steam operation is mainly as to the freight movement. Some of the passenger business, e.g., that of the carriage of pilgrims to Ste. Anne de Beaupre, is handled by steam traction.

The conditions as to steam handling of freight have been considered by the Board as being on all fours with those involved in other steam railway traffic, and a 15 per

cent increase in freight rates has been allowed and is effective.

While there is a carriage of passengers both by steam and by electricity, the bulk of the passenger business is by electricity. For the year ending June 30, 1917, there were carried by steam \$1,650 passengers, with a revenue of \$8,608. The average haul per passenger was 7 miles, while the average receipts per passenger per mile were 1.4 cents. For the same period, there were carried by electric operation 1,947,-667 passengers, with a passenger revenue of \$212,643. The average fare was 10.5 cents; this is the same as the average steam fare. Detail as to the average haul by electric operation is not set out in the report form of the Department of Railways and Canals.

The section operated by electricity includes Quebec to St. Joachim, 26 miles, and Quebec to Kent House, 7 miles; a total of 33 miles.

The standard passenger rate is 2.5 cents per mile. Application is now made to increase passenger rates by 15 per cent.

The railway operates, in the section concerned, on its own right of way and has no agreements with any of the municipalities traversed which have any bearing on the level of passenger fares.

The increase in material costs show for the year 1917, as compared with the year 1913, a characteristic average increase of 40 per cent. In individual small items

there are increases as high as 300 per cent.

Held, Mr. Commissioner McLean in his judgment, dated May 3, 1918, concurred in by Chief Commissioner Drayton, that the 15 per cent increase as asked for was justified. Subject to compliance with the statutory requirements as to publication in the Canada Gazette of the revised standards, tariffs might be filed effective within fifteen days from the date of the order.

### In re COMPLAINT OF THE GRAIN GROWERS' B.C. AGENCY, LIMITED.

A ruling was asked for by the Board as to the right of the railway companies to advance their rates on wheat under the judgment and Orders issued in the fifteen per cent case. The question was governed entirely by the orders already issued.

Held, Chief Commissioner Drayton in his judgment, dated May 8, 1918, concurred in by Assistant Chief Commissioner Scott and Commissioners McLean, Goodeve and Boyce, that the movement of wheat from prairie points to the Pacific coast is subject to the increase allowed in the main judgment in connection with which General Order No. 212 was issued.

COMPLAINT OF THE LAKE SUPERIOR PAPER COMPANY, et al., in re CANADIAN PACIFIC RAILWAY COMPANY'S SPECIAL TARIFF ON WOODPULP, C.R.C. NO. E.3557.

The complaints herein alleged that the Canadian Pacific Railway Special Tariff on Woodpulp C.R.C. E-3557, effective January 10, 1918, was, as regards rates from Sturgeon Falls and Espanola (where complainants' mills are situated) to points in Central Freight Association territory (the destination of their products), relatively unjust, unreasonable, discriminatory and unduly prejudicial in favour of the complainants' competitors, and that such rates failed to preserve the relationship theretofore and for a number of years existing as regards such shipments, and which tariff the complainants asked to be restored.

Held, Mr. Commissioner Boyce in his judgment, dated May 10, 1918, concurred in by Chief Commissioner Drayton and Assistant Chief Commissioner Scott, that the railway companies should be required to restore the pre-existing relationship by publishing and filing the same rates from Sturgeon Falls and Espanola as are concurrently in effect from Ottawa through the same frontier gateways to destinations

in Central Freight Association territory.

# UNITED GRAIN GROWERS et al. v. CANADIAN FREIGHT ASSOCIATION. (Milling in Transit Case.)

The rates from point of reshipment chargeable on grain under tariffs allowing milling in transit or analogous privileges are those effective at the time of the original shipment, not those effective at the time of reshipment, unless the tariff under which the grain originally moved clearly provides otherwise.

Milling, malting, storage and cleaning in transit are privileges accorded to shippers by the carriers in the sense that the Board cannot order them, except to prevent discrimination, but they become enforceable rights when set out in tariffs

under which shipments are made.

Tariffs when ambiguous are to be construed in ease of the shipper, when they can reasonably and properly be so read. Where the milling in transit or analogous privileges are exercised the inbound and outbound shipments are to be treated as part of the same movement, under the contract, and subject to a through rate arrangement.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated May 11, 1918, concurred in by Mr. Commissioner Goodeve. 24 Can. Ry. Cas. p. 128.

#### INTERSWITCHING SERVICE.

Complaints were made from time to time by the railways and by shippers as to the interswitching rules and service practised by the railways. Hearings were had at which the general situation was discussed fully by various shipping associations, individual shippers, and the railways.

The Chief Commissioner, Sir Henry Drayton, in his reasons for judgment dated May 15, 1918, 24 Can. Ry. Cas. 324, goes into the origin and history of interswitching and the interswitching service and the action of the Board relating thereto.

Following is a summary:-

The Order of the Board No. 4988, dated July 8, 1908, known as the "General Interswitching Order," allows connecting or line haul carriers to absorb the toll for the interswitching of competitive traffic, and provides a tariff applicable to traffic destined to consignees located upon, or reasonably convenient to, the tracks of the contracting carrier or to consignees who have customarily accepted the contracting carrier's delivery, for which, after it has been shipped, the consignee requires an interswitching delivery involving an additional service. The rate allowed was twenty cents a ton for any distance not exceeding four miles, with a minimum per car of \$3 and a maximum of \$8.

In the case of traffic destined to consignees located upon or reasonably convenient to tracks other than those of the contracting carrier, the order provided that one-half

the toll be paid by the contracting carrier.

The question was next considered by the Board in an application by the Canadian Pacific Railway Company to make this General Interswitching Order applicable to the switching situation at London, which was governed by a special Order of the Board, dated July 25, 1905. In discussing this particular application, the then Chief Commissioner, Mr. Justice Mabee, stated that when the general question of interswitching was under investigation, it was not intended that the order covering the interswitching at London should be interfered with, and distinguished between railway sidings and team tracks on the one hand and industrial or business spurs on the other.

The companies, however, made little or no attempt to confine interswitching solely to business and industrial spurs, but extended it to the team tracks of each other. The question next came up on the complaint of the general traffic manager of the Canadian National Railways, complaining that the Grand Trunk Railway at Toronto issued peremptory orders refusing to accept for team track delivery in its Toronto yards carload freight moving in Toronto over C.N.O.R. lines, while for convenience the owners desired delivery upon the team tracks of the Grand Trunk in Toronto.

Previous to the General Order No. 4988, carload freight received at Toronto over the C.N.O.R. lines was accepted for team track delivery by the Grand Trunk, and the judgment of Chief Commissioner Mabee in the Canadian Pacific Railway Company's application referred to raised a doubt, it was alleged, in the minds of the carriers as to the obligation of a switching line to provide team track facilities when for the convenience of the owner, such is desired; and the C.N.O.R. application was

for a ruling whether, under the General Order No. 4988, companies were required to accept from a connecting carrier carload freight, when for the convenience of the owner team track delivery within the company's yard limits was obligatory or not.

Under direction, the Secretary of the Board advised the Traffic Manager of the C.N.O.R. that the interswitching order dealt only with the tolls payable, and was never intended to compel one railway to turn over its entire terminals to another or others. Notwithstanding this intimation from the Board, railway companies continued to allow the use of their team tracks for interchange service.

In addition to the order in the London case, specific orders of interchange were made to apply to Lindsay, Ont., New Westminster and Rossland, B.C. The position, therefore, was that the mandatory orders applicable to the specific points mentioned covered team track delivery, whereas the General Interswitching Order No. 4988, dated July 8, 1908, did not.

Team tracks form part of the railway's terminals. Instances in which the companies refused to throw their team tracks open to the interswitching service were becoming more numerous. These terminals cost the companies large sums of money, and the objection was to making them available to competing companies to carry on business without expense. On the other hand, public interest in interswitching is a question of vital importance. Companies could charge full tariff rates for the distance comprised in interswitching movements for team track deliveries, the effect of which was to form an embargo and to shut off the movement of freight to certain portions of territory served by Canadian railways. On this point the Chief Commissioner expressed himself as follows:—

"I am of opinion that interswitching should be no longer carried on as a matter of grace, but as a matter of right. The general order ought not to be merely a tariff, but an order which provides for and compels the service to be given. I think that carriers should be compelled at all times, according to their powers, to furnish an interswitching service, equal to the service accorded their own traffic, at all points where interchange tracks are not installed or may hereafter be provided, and that the line carrier, when required by the shipper or consignee, should be compelled to place cars at the proper point of interchange and to requisition the service of the interswitching carrier or carriers."

Distinction is made in the judgment between the use of team tracks and private sidings. The interswitching toll of one cent per hundred pounds for private sidings approved. As the carrying capacity of cars increased, the maximum of \$\$ was struck out. Minimum rate increases from \$3 to \$5 a car for a certain class of commodities. The present minimum of \$3 a car applicable to traffic included in the 7th, 8th, and 10th classes of the Canadian Freight Classification continued. Sidings used by railways for spotting cars to be loaded or unloaded by any industries abutting on such sidings, directly from or to such abutting property, to be considered as a private siding irrespective of the fact that the track is built on railway land. The line carrier's duty to absorb one-half of the terminal carrier's charge for interswitching to or from private or industrial sidings to be continued, subject, however, to a minimum gross earning to the line carrier of \$12 a car.

The interswitching service to extend to team track deliveries, subject to two conditions: First, in time of congestion the railway company owning the terminal facilities first to look after the placing of cars containing traffic originating on its own line; secondly, that the company be allowed two cents per 100 pounds for the cetual weight carried, subject to the minimum of \$6 a car.

In the case of team track deliveries, the line carrier ought not to be compelled to absorb any greater portion of the terminal carrier's charges than in the case of a

private siding delivery. The reasons for judgment make it abundantly clear that the only justification for subjecting the facilities of one company to the business of the other is that of public interest and convenience. In the absence of joint tariffs, interswitching becomes necessary. The duty is imposed upon railway companies by the statute to make joint rates and move traffic on a continuous route where two or more railways are concerned in it. Provision made by the judgment, if the initial carrier fails to place a car within 48 hours after the usual orders have been placed, or if traffic on its line is embargoed, that the initial carrier must, at the request of the shipper, accept and place the empty cars belonging to any other carrier, and that in such case the railway's interswitching toll shall be the only remuneration to the carrier.

The question of allowances for cartage which, when properly published and filed, were recognized, discussed in the judgment, but no disposition of it made.

APPLICATION OF THE BRANTFORD AND HAMILTON ELECTRIC RAILWAY COMPANY in re filing of tariffs for general advance in tolls.

Application was made to the Board by the Brantford and Hamilton Electric Railway Company for authorization to put into force the same increases in freight rates as have been authorized in the case of steam railways, as well as in the case of certain electric lines. It was represented that the railway had no agreements with municipalities, so holding down the limits of freights rates as in any way to conflict with the present application.

The railway is 23 miles in length and has a capitalization, on the basis of stock and bonds, of \$41,739.13 per mile. Its earnings, per mile, on the basis of net earnings from operation, less taxes, have been for the years 1915-1917 as follows:—

1915	 	 	 			 ,			٠	 				 \$1,175
1916	 	 	 	 		 ,	 0		٠	 		۰		 1,199
1917	 	 	 	 				 					0 0	 2,207

Held, Mr. Commissioner McLean in his judgment, dated May 29, 1918, concurred in by Chief Commissioner Drayton, that a case for the increase in freight rates as asked for had been made out and that an order should go accordingly, subject to compliance with the statutory requirements as to publication of standard tariffs.

TOLLS-COMPETITION-STERNE & SONS V. CANADIAN FREIGHT ASSOCIATION.

The respondent is justified in increasing the toll charged, through misapprehension, on asbestos cement in a plastic form, where it is in competition with stove putty used for the same purpose.

The application was for an order directing the respondent to accept and carry asbestos cement at the tolls provided for in item 3, p. 95, Canadian Freight Classification, No. 16.

The facts are fully set out in the reasons for judgment of Deputy Chief Commissioner Nantel, dated May 31, 1918, concurred in by Mr. Commissioners McLean and Goodeve. 23 Can. Ry. Cas. 171.

#### LEMIEUX V. BELL TELEPHONE COMPANY.

It is unjust discrimination for a public utility company, whose tolls should be equalized according to the services rendered, to charge double the toll at the attended stations for local calls compared with the toll at the coin-box booth, both being public telephones. The Board ordered the respondent to equalize its tolls for local calls by fixing a toll for local messages on a "two-number basis" from public telephones inside the base toll area at five cents, and outside thereof at ten cents.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, June 4 1918, concurred in by the Chief Commissioner, Deputy Chief Commissioner and Mr Commissioner McLean. 23 Can. Ry. Cas. 141.

APPLICATION OF THE CHATHAM, WALLACEBURG AND LAKE ERIE RAILWAY CO. FOR PERMISSION TO FILE TARIFFS PROVIDING FOR GENERAL ADVANCE IN TOLLS.

Application was made to the Board by the Chatham, Wallaceburg and Lake Erie Railway Company for sanction to increase its rates for the carriage of freight and of passengers to the same extent as has been permitted by the Board in the case of steam railways.

The railway company represented that it had no agreement with any municipality which in any way limited the rates, either freight or passenger, which it may charge. It further represented that the present application did not involve an increase in the existing 5-cent fare applicable in the city of Chatham.

The railway is 40.6 miles in length and has a capitalization of \$35,839.90 per mile,

allocated as follows,—stock, \$18,783.99; bonds, \$17,185.91.

On a mileage basis, its net earnings from operation, less taxes, have been for the years 1915-1917 as follows:-

1915 1916	 • •		 		 		 	 	 		 	 	 \$ 801 1,601
1917	 	• •	 	• •	 • •		 • •	 • •	 		 	 	 1,601
	 		 • •	* *	 	• •	 	 • •	 	* *	 	 	 1,601 1,053

These earnings are low as compared with those of the Brantford and Hamilton, the London and Port Stanley, and the Windsor, Essex and Lake Shore Rapid Electric Railway Companies, whose applications for rate increases have been dealt with by the Board.

For the calendar years 1915 to 1917, the following results are available:-

Year. 1915 1916	 	 	• •	• •	\$137,627 83 143 798 64	Operating expenses. \$119,608 87 126,025 67	Net revenue. \$18,018 96 17,772 97
1917	 • •	 	• •		131,326 30	129,523 60	17,772 97 1,802 70

The fiscal years ending June 30 are used in the computations that follow because there is available in connection therewith the detail of the Government returns, and such material is also more readily comparable with what has been used in other cases.

The financial situation of the applicant company for the fiscal years 1915 to 1917 is summarized in the following statements:-

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1915.
                                                                  1916.
                                                                                 1917.
Net earnings from operation less taxes ..
                                               $32,549 57
                                                              $65,103 85
                                                                              $42,762 92
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The Company has outstanding \$760,000 of common stock on which no dividends have been paid during the period in question. It has also outstanding \$694.500 of funded debt paying five per cent—that is, an annual interest charge of \$34,725.

The interest charge on floating debt was:-

1015														
1915	4 0	4.0	 	 0 0	 	 	 		 	 	 		\$1 343	3.8
7976												 **	4-10-10	00
1917	• •	• •	 • •	 	 	 	 	4.4	 	 	 		2,736	13

Summarizing the detail above set out, the situation is:-

Balance after deducting fixed charges	1915.	1916.	1917.
and taxesBalance after deducting above and	\$2,175 13 (def.)	\$30,378 85	\$8,027 90
interest on floating debt	3,518 51 (def.)	26,513 29	5,291 77

Held, Mr. Commissioner McLean in his judgment, dated June 7, 1918, concurred n by Chief Commissioner Drayton, that a case for the increase in rates as asked for nad been made out, and that an Order should go subject to compliance with the statucory requirements as to publication of standard tariffs.

In to application of the windsor, essex and lake shore rapid railway company, for permission to file tariffs for general advance in tolks for carriage of energy.

Application was made to the Board by the Windsor, Essex and Lake Shore Rapid Railway Company for permission to put into force the same increases in freight rates as have been authorized in the case of steam railways, as well as in the case of certain electric lines.

It was represented by the railway that the only agreement existing with any municipality which in any way has a bearing on the levels of freight rates is section 7 of By-law No. 1101 of the city of Windsor. Said by-law respecting the Windsor, Essex and Lake Shore Rapid Railway Company was passed the 15th day of December, 1903, and refers to an earlier by-law of the corporation of the city of Windsor, No. 1905, dated June 9, 1902. By-law No. 1101 appears to have been passed in view of certain amendments which were desired in By-law No. 1956, said amendments being in respect of the extension of the period during which the railway operating within the limits of the city of Windsor was to be exempt from taxation; and also dealing with the contribution by the railway company to the cost of certain paving improvements.

By-law No. 1101 above referred to, by section 7 thereof, reads as follows:-

"The company shall carry freight to and from Windsor upon the entire or any portion of its system at rates not in excess of regular steam railroad rates, for similar distances and between the same places."

It would appear from the wording of this section that the intention of the by-law was that whatever the steam railroad rates in the area as defined might be from time to time, the rates as charged by the Windsor, Essex and Lake Shore Rapid Railway Company should not exceed them.

The railway has an operating length of 39,156 miles. It has a capitalization of \$750,000 of stock and \$750,000 of mertgage bonds outstanding. No dividends are returned as having been paid upon the stock during the period 1915-17. The mortgage bonds bear interest at 5 per cent, thus amounting to \$37,500 annually. In 1915 only \$24,500 of the interest charges on the bonds were paid. The interest payments have been averaged up in the years 1916 and 1917. The road has a capitalization of \$38,308 per mile.

Held, Mr. Commissioner McLean in his judgment, dated June 7, 1918, concurred in by Chief Commissioner Drayton, that a case for an increase in freight rates as asked for had been made out and that an Order should go subject to compliance with the statutory requirements as to publication of standard tariffs.

### Re extension of kinnear yard, hamilton, ont.

The original application made in this matter was to expropriate land for the purpose of extending the Kinnear yard of the Toronto. Hamilton and Buffalo Railway Company.

The company made out the necessary case under the provisions of the Railway Act. The Board found that the public business to be carried by the company demanded the extension of the Hamilton facilities. The Board, although finding that the necessity for the extension existed, did not issue an order for the expropriation, but gave the city the opportunity of leasing the land which was sought to be taken, for a period of five years. The Board's judgment reads:—

"Under these circumstances, the Board has no alternative but to approve the application, unless some arrangements can be made between the parties.

"At the hearing, I indicated that the matter should be arranged. The city are the owners of the land in question; they do not desire that the company's

holdings in the south end of the city should be increased and the movement of the company's facilities from its present site rendered the more difficult and expensive.

"On the other hand, at the present time, every one realizes that it is impossible to carry into effect the Tye-Cauchon report. I trust also that every one realized that Hamilton's traffic, as well as the through traffic, must be provided for, and that the present is no time to add to difficulties of transportation.

"My suggestion was that, instead of an expropriating order going, Hamilton would allow the company to occupy the land, which is at the present put to no use whatever, for the period of five years, and five years only; without any provision for renewal. At the end of the five years the city and the railways may be in a position to finance the ultimate solution of the Hamilton railway problem whatever form it may take. If, on the other hand, nothing can even then be done, the company will still be in just as good a position to make an application for an order of expropriation as it is to-day."

Held, Chief Commissioner Drayton in his judgment, dated June 12, concurred in by Mr. Commissioner Goodeve, that the Board has no jurisdiction to order that a lease be given on the terms indicated. Held, further, that as pointed out in the main judgment, the Board could order the land to be expropriated and that an order would go for expropriation on the expiration of ten days from the issue of the judgment, unless in the meantime a lease was given by the city or the railway company embodying the provisions referred to.

CRUSHED STONE, LIMITED, AND HENDERSON FARMERS' LIME AND PHOSPHATE COMPANY V.

GRAND TRUNK RAILWAY COMPANY.

The jurisdiction of the Board as to tolls concerns only their reasonableness; no matter how much the development of an industry may be in the public interest, the Board is not authorized to be an arbiter of industrial or public policy and cannot strike a low toll basis, independent of its reasonableness, but carriers may in their discretion install development tolls.

British Columbia News Co. v. Express Traffic Association, 13 Can. Ry. Cas. 178; Massiah v. Canadian Pacific Ry. Co., 17 Can. Ry. Cas. 88, at p. 90; Western Retail Lumbermen's Association v. Canadian Pacific, Canadian Northern and Grand Trunk Pacific Ry Cos. 20 Can. Ry. Cas. 155, at p. 158 followed.

Comparing the commodity mileage scale on agricultural limestone with the special commodity tolls on crushed stone, and taking into consideration that the volume of traffic on agricultural limestone to large consuming points is not comparable with crushed stone, and that the latter commodity has been granted low commodity tolls by the carriers in their discretion, it has not been established that the existing toll basis is unreasonable.

Provincial Stone and Supply Co. v. Grand Trunk Ry. Co., 22 Can. Ry. Cas. 411, at p. 413, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, June 18, 1918, concurred in by the Assistant Chief Commissioner and Mr. Commissioner Goodeve, 23 Can. Ry. Cas. 132.

CITY OF VICTORIA AND ATTORNEY-GENERAL FOR BRITISH COLUMBIA V. ESQUIMALT AND NANAIMO
RAILWAY COMPANY.

The Board has only such jurisdiction as is given by the express terms of the statute or by the necessary implications therefrom.

Section 59 does not confer jurisdiction on the Board to order a combined highway and railway bridge. The Board having found upon the evidence that the respondent

built the extensions on either side of a railway bridge for the pedestrian use of the public, it was held that the footpaths so provided were, in fact, public ways and communications.

Duthie v. Grand Trunk Ry. Co., 4 Can. Ry. Cas. 304, at p. 311, followed.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated March 30, 1915, concurred in by the Assistant Chief Commissioner, Mr. Commissioner Goodeve and Mr. Commissioner Boyce, 24 Can. Ry. Cas. p. 84.

In re application of G. H. FURNIVAL OF EDMONTON, ALTA., AND GRAND TRUNK PACIFIC.

This was an application of G. H. Furnival, of Edmonton, Alta, in respect of damage claims against the Grand Trunk Pacific Railway Company in connection with lot No. 16, block 13, river lot 14, in the city of Edmonton, 105th avenue. The case was heard at the sitting of the Board in Edmonton on the 11th June, 1918.

Held, Mr. Commissioner Boyce in his judgment, dated June 25, 1918, concurred in by Assistant Chief Commissioner Scott, that the Board had no jurisdiction to make an order either (a) directing the railway company to make compensation to the complainant, or (b) directing the railway company to treat with the complainant with a view to awarding such compension.

APPLICATION OF THE MUNICIPALITIES OF BURNABY AND COQUITLAM, B.C., re VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.

This was an application made to the Board by the municipalities of Burnaby and Coquitlam, B.C., for an order requiring the Vancouver, Victoria and Eastern Railway and Navigation Company to complete the work required to be done under the Board's Order No. 25260, dated August 10, 1916.

By Order No. 25260, after a hearing at Vancouver on June 26, 1916, the Board approved the changes in the line of the Vancouver, Victoria and Eastern railway near Sapperton, B.C., which changes involved,—

"(a) A change of alignment at the crossing of the North Road, in the district of New Westminster.

"(b) The diversion of Brunette Road, on the line 'D' 'E' 'F', shown on the plan, and the closing of the portion of the Brunette Road coloured yellow on the plan.

"(c) The construction by the applicant company, at its own expense, of a bridge carrying the North Road over the line of railway as now proposed to be constructed."

The bridge to be constructed over the North Road was to be built of steel, with a width of 24 feet on the roadway, and with 6-foot sidewalks extending on each side, detail plans showing the proposed bridge to be filed by the railway company for the approval of an Engineer of the Board, and the new bridge was to be installed and completed within a year from the date of the order. By Order 26342, dated July 20, 1917, time for completion of the bridge was extended until January 1, 1918, no objection to the extension being offered on behalf of the municipality.

Plans of the proposed bridge were duly submitted to the Board and to the municipality, in accordance with the Order above referred to, and were approved by the Chief Engineer of the Board April 4, 1917. The municipality received the plans of the proposed structure on the 20th March, 1917, and as they were not approved by the Board's Chief Engineer until April 4th following, there was ample time to object to any structural features had the municipality been dissatisfied. No objections were raised, however, and after approval of the plans, a copy was sent to the municipality under date 4th April, 1917, with a statement that the plans had been so approved. Receipt of this plan was acknowledged by the clerk of the municipality under date

12th April, 1917. The subsequent complaint of the solicitors of the municipality, addressed to the Board, that the plan was approved before the engineer of the municipality had an opportunity of seeing it, does not seem to be a meritorious one. Under date 16th April, 1917, the solicitors of the municipality submitted the suggestions of their engineer as to the plans.

Held, Mr. Commissioner Boyce in his judgment, dated June 25, 1918, concurred in by Assistant Chief Commissioner Scott, agreeing with the disposition contained in the memorandum of the Board's Engineer contents of which were communicated to the complainants in a letter from the Board, dated February 16, 1917, that the complaint should be dismissed with leave to the complainants to apply to the Board as regards any of the matters arising out of the temporary timber abutment supporting the southerly end of the bridge.

APPLICATION OF THE HULL ELECTRIC RAILWAY COMPANY re FILING OF TARIFFS FOR GENERAL ADVANCE IN TOLLS.

Application was made to the Board by the Hull Electric Railway Company for authority to file tariffs providing for a general advance in the tolls for the carriage of passengers and freight over its line, in the same manner and to the same extent as has been permitted by the Board in the case of steam railways.

At the hearing, counsel for the town of Aylmer desired to have an opportunity to file a written statement of the town's position in the matter. Leave was granted, ten days being allowed for filing said statement; and, on subsequent request, additional time was granted. The written submission of the town of Aylmer was submitted to the Board.

The answer stated that the town of Aylmer and its people would be seriously injured by the increases proposed. Reference is made to the effect the increased passenger rates would have on the summer population of Aylmer. It was contended that the railway has only limited freight facilities and that the freight rates charged from Ottawa to Aylmer are already sufficiently high, and much higher, in proportion to distance, than on most steam railways.

The answer stated:-

"The company seeks to justify its application for increase of tolls on three grounds, viz: (1) increased costs of material, equipment and labour; (2) increased operation ratio for the eight months commencing July 1, 1917; and (3) the necessity of doing work of maintenance which has been deferred."

It was contended that the grounds referred to did not justify the application and that the company's statements were incomplete, inaccurate and misleading.

It was admitted that costs of materials had increased, it being stated, however, that this was "largely owing to unusual and temporary conditions." It was contended that costs had not increased in the same ratio as contended by the railway; and it was further contended that there had been an increase in the company's revenue from the operation of its road during the past year and recent years which more than compensates for any increase in expense of operation and maintenance.

The company's submission as to the increase in the operating ratio for the eight months beginning July, 1917, was regarded, in the answer, as being misleading on the ground that it included months in which, on account of winter conditions, there were heavy operating costs, while at the same time it excluded four more profitable

months, whose greater traffic would bring down the ratio.

Held, Mr. Commissioner McLean in his judgment, dated June 26, 1918, concurred in by Chief Commissioner Drayton, Assistant Chief Commissioner Scott, Deputy

Chief Commissioner Nantel, and Mr. Commissioner Boyce, that a case for the increase in rates had been made out. Held, further, that this involved not only the authorization as to increase of existing special rates but also of the standard rates as well. Held, further, that in the case of the passenger standard, this would be authorized at 2.875 cents per mile; the increased rates to be made effective within fifteen days, contingent upon compliance with the statutory requirements as to publication of standard tariffs.

#### SIDNEY BOARD OF TRADE V. GREAT NORTHERN RAILWAY COMPANY.

Under section 315 (5) where traffic moves under substantially similar circumstances and conditions, carriers are justified in charging lower tolls to Victoria, B.C., an ocean terminal point, for the longer haul than for the shorter haul to Sidney, B.C., an intermediate point, where Victoria is, and Sidney is not, subject to competition.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated June 26, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 173.

### RESIDENTS OF MASSETT V. GRAND TRUNK PACIFIC STEAMSHIP COMPANY.

The Board has no jurisdiction to deal with a tariff of tolls for water-borne traffic between local ports, no part of such traffic being attributable to railway traffic.

Dawson Board of Trade v. White Pass & Yukon Ry. Co., 9 Can. Ry. Cas. 190, distinguished.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, June 26, 1918, concurred in by the Assistant Chief Commissioner, 23 Can. Ry. Cas. 121.

### ALBERTA UNITED FARMERS V. CANADIAN PACIFIC RAILWAY COMPANY.

Under section 245 the Board has no jurisdiction to direct railway companies to bear the cost of installation and maintenance of telephones in their stations, but it has jurisdiction to direct them to permit municipalities or corporations carrying on a telephone business to install instruments without charge to the railway companies in their stations.

Peoples and Caledon Telephone Cos. v. Grand Trunk and Canadian Pacific Ry. Cos., 9 Can. Ry., Cas., 161; Province of Manitoba v. Canadian Pacific Ry. Co., 21 Can. Ry. Cas. 445, followed.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, June 27, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 104.

### EXTENSION OF KINNEAR YARD AT HAMILTON, ONT. FILE NO. 28230.

Judgment, Chief Commissioner Drauton, dated June 27, 1918, concurred in by Commissioner Goodeve.

Exception has been taken by the Toronto, Hamilton and Buffalo Railway Company to the Board's direction that instead of an order of expropriation going, the city might, if it so desired, lease the property for a term or five years. The company insists that an expropriatory order should issue for the following reasons:—

"1. At the expiration of the lease, the company would be utterly unable to handle its business were the tracks to be pulled up and the property given back into the hands of the city. The use of the tracks at the present time is necessary beyond all question, and 5 years from now, with the continued growth of the country and traffic over the railway, their use would be vastly greater.

"2. The cost to the company of putting the property into shape for use by it during the term of the proposed lease would be entirely out of proportion to what the company would gain by it. There would be an unavoidable loss of about \$13,000. An approximate estimate of the cost of the work on the city property amounts to over \$24,000. We could not afford to incur the risk of such loss.

"I trust, therefore, that the Board, having found that the application is well founded and that the property in question is required in the public interest by the railway company, will see fit to make the usual order under section 178 authorizing the company to take the land."

It cannot be disputed that the Board's direction is in ease of the municipal situation, nor can it be disputed that under ordinary circumstances, the duty of the Board, on satisfying itself that the property is required in the public interest, is to issue an order of expropriation.

The Hamilton railway situation cannot be so described, nor can it be described as satisfactory. The different reports that have been made at least deserve careful study. It may be that the railway finally will have to be left where it is. It may be again that it can and ought to be moved on fair and just terms; and the city's application having been made, the Board's view was and is that in case it is shown to be feasible to change the railway location, that change ought not to be made unduly expensive and the property interests of the company left as near as may be as they now are until that question is decided.

The situation is really not that which the company seems to fear. There is no doubt as to the growth of Hamilton's industries and the necessity of tracks. I have no doubt that the same conditions will exist in five years' time when, if necessary, an order of expropriation can be made; but it is to be hoped that before the expiration of five years the permanent solution of Hamilton's railway problem will be evolved. This permanent solution must undoubtedly include proper and sufficient facilities for the Toronto, Hamilton and Buffalo railway. The application for an order is not dismissed; the Board is seized of the matter. It is to be hoped that an order of expropriation will never be necessary, but that both the municipality and the railways will recognize their common interests and adjust, within the period of the lease, the difficulties of to-day.

If necessary an order of expropriation can be made as well in five years' time as to-day. In view of the fact that the municipality states it is prepared to give the lease suggested, possession of the property can be had, and it well may be that no extra cost will be entailed upon the railway by the form in which it gets possession.

TOLLS-DELIVERY-GRAIN GROWERS B. C. AGENCY V. CANADIAN NORTHERN RAILWAY COMPANY.

A carrier is bound to have a place of delivery for traffic destined to a point to which it has quoted a tariff of tolls free from the imposition of a switching toll on shipper or consignee, therefore, an order may go permitting the respondent to refund the moneys it has collected under their switching conditions at the point in question.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated June 27, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 169.

SOUTH ALBERTA WOOL GROWERS' ASSOCIATION v. CANADIAN PACIFIC RAILWAY COMPANY.

The Board declined to approve a reduction in the minimum C.L. weight on sheep from 16,000 pounds to 12,000 pounds in single-deck cars.

The facts are fully set out in the reasons for judgment of the Assistant Chief Commissioner, dated June 28, 1918, concurred in by Mr. Commissioner Boyce. 24 Can. Ry. Cas., p. 54.

In re APPLICATION OF W. S. HENDERSON, DRUMHELLER, ALBERTA, FOR SPUR.

This was an application made to the Board by W. S. Henderson, of Drumheller, Alta., for the construction of a spur near the High Level bridge at Lethbridge, Alta., on the line of the Canadian Pacific Railway Company, to serve a coal property owned by the applicant adjacent to Belly river, about one and one-half miles distant from Lenzie siding on the line of the said company. The applicant desired that the company should construct, or at least supply the steel for the construction of a siding from the railway to the coal property. The railway company had two objections to the application: one, that steel was scarce and that it was difficult for the company to supply the rails; and, the other, that it would be inconvenient and unremunerative for the company to operate the spur. The company further intimated that if the applicant could deliver coal to the railway company at its Lenzie siding the company would handle it.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, July 2, 1918, concurred in by Mr. Commissioner Boyce, dismissing the applica-

tion.

### ABREY V. CANADIAN PACIFIC RAILWAY COMPANY.

Under section 254 the respondent is only obliged to maintain right of way fences turned into the track at each end of the bridge over the Souris river, a stream on which timber may be floated; therefore, under section 230 the respondent is prohibited from placing fences, which would amount to an obstruction, across the river.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 4, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 17.

CITY OF VANCOUVER V. VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY.

In a case of dispute between a municipality and a railway company over the cost of a bridge carrying a highway over a railway, of which each pays a certain proportion, where owing to the length and intricacy of the accounts it is impossible for the Board in the exercise of its jurisdiction to decide the question at issue at an ordinary hearing, the matter was referred to a referee under section 60 to take the accounts and report to the Board what amount (if any) is due by one party to the other, the reference being at the applicant's risk as to costs.

North Bay Landowners v. Canadian Northern Ry. Co. ante p. 35.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 9, 1918, concurred in by the Assistant Chief Commissioner. 23 Can. Ry. Cas. 123.

MCKENZIE V. CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

Carriers will not be ordered to supply special doors for box cars, used to carry sand or gravel, as in the case of grain shipments, the circumstances and conditions (see section 317) of sand and gravel traffic being dissimilar to those of grain traffic.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 9, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 99.

BRANDON SHIPPERS V. CANADIAN PACIFIC AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

An interchange track between the lines of the Canadian Pacific Railway Company and a branch line of the Grand Trunk Pacific Railway Company was ordered by the Beard to be constructed at Forest, ten miles from Brandon, at the expense of the Grand Trunk Pacific Railway Company in order to give Brandon a connection with the latter railway.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 9, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 28.

CANADIAN PACIFIC RAILWAY COMPANY V. CANADIAN NORTHERN RAILWAY- COMPANY.

An agreement between two railway companies for the construction of falsework to carry the line of railway of one company over the tracks of the other company without the standard clearances, may properly contain a clause indemnifying the company whose line is crossed, from all loss, damage or expense of any nature occasioned to it, including loss, damage and expense that has been occasioned, or contributed to, by the negligence of its servants or agents or otherwise howsoever.

The facts are fully set out in the reasons for judgment of the Assistant Chief Commissioner, dated July 10, 1918, concurred in by Mr. Commissioner Boyce, 24

Can. Ry. Cas. p. 5.

### In re APPLICATION OF SECURITY TRAFFIC BUREAU.

This was an application by the Security Traffic Bureau for a revised rating on shipments made in 1912 said to consist of baseboards and casings, although described by shippers in bill of lading as mouldings. The Board was asked to rule as to the correctness of a claim made by the Security Traffic Bureau against the Canadian Pacific Railway Company, and refused by that company, and to decide whether it should be allowed.

At the hearing no one appeared for the complainants, the railway company being represented by counsel. It appeared that the shipment described in the bill of lading, which was dated as far back as April 27, 1912, from Radford-Wright Co., as shippers, to Galvin-Watson Co. at Wilkie, Sask., was made from Winnipeg and was billed by the shippers and charged by the Canadian Pacific Railway Company as 62 bundles of mouldings, weighing 3,970 pounds. The shipment was accepted as mouldings, and

the rate on mouldings was charged and paid.

Four years later, on April 12, 1916, the Security Traffic Bureau of Minneapolis entered a claim against the Canadian Pacific Railway Company for reduction from 1st to 3rd class on 2,850 pounds (involving a refund of \$11.97) of the total weight of 3,970 pounds on the grounds that while the shipment was described as mouldings, it really consisted of casings, baseboards and window stools to the extent of 2,850 pounds thereof. It is to be noted that the invoice submitted showed no weight, but the shippers' estimate as to the proportion of shipment which should take the 3rd class rate, was supposed to be taken. The railway company rejected the claim, and on the 28th March, 1918, complaint was made to this Board.

Mouldings move as 1st class under Canadian Freight Classification No. 15, page 48, item 63, and the shipment as described, was properly subject to that rate. Casings and window stools are not shown in the classification but, under items 47 and 48, boards plain and moulded for wainscotting, etc., took the 3rd class rate; and, under item 49, the same articles n.o.s. also took the same rate. The complainants contended that casings, baseboards, and window stools, were simply boards plain and moulded,

and such of them as were in the shipment should be classified at 3rd class.

The whole question resolved itself into one of interpretation of Canadian Freight

Classification No. 15, in force at the time the shipment was made.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 10, 1918, concurred in by Assistant Chief Commissioner Scott, dismissing the complaint.

APPLICATION OF THE CITY OF WINNIPEG, MAN., FOR AN ORDER TO EXTEND THE DELIVERY LIMITS OF THE EXPRESS COMPANIES IN THE CITY OF WINNIPEG. FILE 4214.145.

Judgment, Assistant Chief Commissioner Scott, dated July 10, 1918, concurred in by Commissioner Boyce:—

The city of Winnipeg applies for the extension of the express delivery limits in the southwest part of Winnipeg, from its present boundary Daly street westerly to the centre line of the Canadian Northern Railway.

After the hearing at Winnipeg, the commission had an opportunity of going over the ground and making an inspection of the territory which the city asks to have included in the express delivery limits. There are no paved streets in the territory in question. It can be reached either from Pembina highway or Osborne street, both of which are paved. It is entirely a residential section, the western portion of which contains a good deal of vacant land. The territory between Cockburn and Daly streets is the most populous of the section, and I think it might be included in the free delivery limits. Cockburn street is the western limit of the free delivery area north of the Canadian Northern Railway yards. Therefore, if Cockburn is taken as the western boundary south of the Canadian Northern Railway yards, we will just be continuing the line north of the railway property southerly.

I think an order should go extending the delivery limits to include the territory bounded on the north by Kylesmore avenue, on the West by Cockburn street, on the south by the south line of lot No. 17, St. Boniface, and on the east by Daly street.

### BIENFAIT COMMERCIAL COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY.

Where an industrial spur is built in the interests of commerce at the expense of the industry to be served, the entire cost both of construction and maintenance should be borne by such industry.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 10, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 62.

### MONTREAL AND SOUTHERN COUNTIES RAILWAY COMPANY V. TOWNS OF GREENFIELD PARK ET AL.

Agreements between municipalities and a railway company do not oust the jurisdiction of the Dominion Parliament and the Board in their administration of the Railway Act and in the fixing of tolls. Inasmuch as the agreements in question have not been validated by legislation and submitted to or approved by the Board, and in view of the greatly increased costs of transportation, the Board finds the increased tolls desired by the applicant to be just and reasonable.

In re increase in Passenger and Freight Tolls (Increase in Rate Case), 22 Can. Ry. Cas. 49, Lyons Fuel and Supply Co. v. Algoma Central Ry. Co., post p. 146, followed.

The facts are fully set out in the judgment of the Chief Commissioner, July 10, 1918, concurred in by the Deputy Chief Commissioner and Commissioner Goodeve. 23 Can. Ry. Cas. 106.

### In re COMPLAINT OF DAVID SPENCER, LIMITED, VANCOUVER, B.C.

This was a complaint of David Spencer, Limited, of Vancouver, B.C., against the interpretation placed by the railway companies on the ratings of the Canadian Freight Classification as applied to shipments of women's hats from Eastern Canada.

The Canadian Freight Association Westbound Transcontinental Tariff No. 1, of the Canadian Freight Association, effective September 20, 1916, provided, by item 240, a commodity rate from Eastern Canada to the British Columbia coast terminals on certain enumerated articles of clothing, including "Hats and Caps (other than millinery) taking 1st class rating in the current Canadian Freight Classification."

In March, 1917, the Cooper Cap Company, Toronto, shipped seven cases of Cotton Hats, with band or binding only, to Vancouver, B.C., on which the rate—D. 1 (\$7.24) was charged, the carriers applying the rate on millinery. By error, the shippers described the shipment as millinery, but subsequently filed a claim for refund, claiming that the shipment took the commodity rate above referred to.

The Canadian Freight Association, to whom was submitted a sample of the shipment, was of the opinion that a shipment of such a nature should take the D. 1 rate on millinery. The shippers contended that the shipment consisted of "hats other than straw." Classification No. 16, item 28, of the then tariff.

The shippers appealed, and David Spencer, Limited (presumably the consignee) at any rate in similar case, also appealed to the Board against what they complained was an improper interpretation of the classification.

The facts are fully set out in the Judgment of Mr. Commissioner Boyce, July 11, 1918, concurred in by Assistant Chief Commissioner Scott, in which it was held that as regards the past shipments in question, the reasonable and fair interpretation of the classification at the time those shipments were made, entitled the complainants to the commodity rate in force at the time the shipments were made, and that an order should go accordingly.

### TOLLS-CARS. PLUNKETT & SAVAGE V. CANADIAN PACIFIC RAILWAY COMPANY,

Where the toll from the point of shipment to destination provided for a heated refrigerator car, and the transportation of a messenger, a charge made by the carrier for supplying additional heaters is not covered by the tariff of tolls, is illegal, and refund should be allowed.

The application was for an Order directing the respondent not to charge an additional heater toll of \$22.50 per car from Minneapolis to Calgary, on five carload lots of bananas ex New Orleans.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 11, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 178.

### HAMILTON RADIAL ELECTRIC COMPANY V. CITY OF HAMILTON et. al.

Where, under the Act of Incorporation of a railway company, municipalities are given power to enter into franchise agreements and pass franchise by-laws and by special Act, 7 and 8 Edward VII, chapter 117 (c), declaring such railway to be a work for the general advantage of Canada, it was enacted that the provisions of any municipal by-law relating to the company, or agreement between it and any municipality were not to be effected, the company is bound by them, and the Board has no power to increase the tolls contrary to the terms of such agreements and by-laws.

Increase in Rates Case, 22 Can. Ry. Cas. 49, at pp. 57-60, followed.

The facts are fully set out in the judgment of the Chief Commissioner, July 12, 1918, concurred in by Mr. Commissioner Goodeve, 23 Can. Ry. Cas. 114.

## CITY OF PORT ARTHUR V. CANADIAN PACIFIC AND CANADIAN NORTHERN RAILWAY COMPANIES.

Where a subway was built under railway tracks in a public park, to which the railway was senior, to give access between the portions lying north and south of the railway of which the entire cost was borne by the municipality except the superstructure (borne by the railway company), and the municipality having given the land on which to lay tracks to serve elevators south of the railway of which six were to be built immediately south of the main line, applied for a subway under such six tracks, the senior and junior rule does not apply, and the cost of the work will be divided between the municipality and the railway companies interested.

The facts are fully set out in the judgment of the Assistant Chief Commissioner, July 12, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 89.

### In re APPLICATION OF TOWN OF GREENFIELD PARK.

This was an application of the town of Greenfield Park, P.Q., for better service from the Montreal and Southern Counties Railway Company.

Previous to the hearing of the application an inspection had been made by the Board's Inspector, who went very carefully into the situation and reported against the granting of the application.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, July 12, 1918, concurred in by Chief Commissioner Drayton, in which it was decided that the Board would not be justified in altering its decision and making the Order asked for.

TOLLS—INCREASE—TWIN CITY COAL CO. et al v. CANADIAN PACIFIC, CANADIAN NORTHERN AND GRAND TRUNK PACIFIC RAILWAY COMPANIES.

In the decision of the Board in the 15 per cent Increased Rates Case, 22 Can. Ry. Cas. 49, allowing an increase on coal of 15 cents per ton, there is no separate toll for slack coal and no distinction can be made in the tolls on slack, lump or run of the mine coal.

The application was for an order directing the respondents to reduce their tolls

on slack coal to Edmonton.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 17, 1918, concurred in by Mr. Commissioner Boyce, 23 Can. Ry. Cas. 181.

### In re COMPLAINT OF THE VIPOND FRUIT COMPANY, WINNIPEG, MAN.

This was a complaint of the Vipond Fruit Company, Winnipeg, Man., against a heater charge of \$15 per car on bananas from Minneapolis to Winnipeg. The Canadian Pacific Railway Company contended that the question involved in the complaint was exactly the same as that referred to in the complaint of Messrs. Plunkett and Savage, already ruled upon by the Board, in which it was decided that the tariff did not apply to a case like the one under consideration when merely a heater had been supplied, and that, therefore, the company was not justified in making the \$15 charge and that there was no tariff on file providing a charge for a heater only, for a car in transit, and the Board decided that an order should go declaring the error of the company in collecting the \$15 and permitting it to pay it back.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott. July 17, 1918, concurred in by Mr. Commissioner Boyce subject to the same

conditions and stipulations as were made in the case of Plunkett and Savage.

# GREAT WEST, BYERS MINE COAL COMPANIES AND EDMONTON COLLIERIES V. GRAND TRUNK PACIFIC RAILWAY COMPANY.

Where tolls are blanketed, a too rigid adherence to a mileage basis, thereby giving a sudden break in the middle of a coal shipping area between coal mines competing with each other in a common market, is undesirable.

Galbraith Coal Co. v. Canadian Pacific Ry. Co., 10 Can. Ry. Cas. 325, followed. The application was for an order directing the respondent to reduce the toll on

coal from the Great West spur to Edmonton.

The facts are fully set out in the reasons for judgment of Assistant Chief Commissioner Scott, dated July 18, 1918, concurred in by Mr. Commissioner Boyce. 23 Can. Ry. Cas. 175.

### In re APPLICATION OF THE TOWN OF KENORA, ONT.

This was an application made to the Board by the town of Kenora, Ont., for permission to cross the main line of the Canadian Pacific Railway Company with a road from the town of Kenora connecting the property of the Keewatin Lumber Company, of Keewatin, Ont., with the Government Road.

The application appeared to have been made primarily for the benefit and on behalf of the Keewatin Lumber Company, whose mills are situated at Kenora. The application was not supported as being of public interest, and it was suggested that if the crossing were maintained it would be at private expense and available only to the

teams of the Keewatin Lumber Company. The applicant claimed that if the crossing were allowed a more level road could be obtained for the team traffic of the lumber company between Keewatin and Kenora.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 18, 1918, concurred in by Assistant Chief Commissioner Scott, in which he holds that

the application should be dismissed.

### EDMONTON BOARD OF TRADE V. CANADIAN NORTHERN RAILWAY COMPANY.

The Board refused an application for the appointment of an agent where it appeared that it was almost impossible for railways to obtain agents to man stations much more important than the fourth class station in question, and an agent could not be installed without depriving a more important station of adequate service.

The facts are fully set out in the reasons for judgment of the Assistant Chief

Commissioner, dated July 24, 1918. 24 Can. Ry. Cas., p. 7.

CANADIAN GOVERNMENT RAILWAYS V. TOWNSHIP OF MULGRAVE AND NOVA SCOTIA DEPART-MENT OF WORKS AND MINES.

Where crossings of a highway by a railway are eliminated by the diversion of a highway, the rule usually followed by the Board is to place the greater portion of the cost on the railway and the remainder on the municipality or municipalities interested. In the present case, two-thirds of the cost was apportioned to the railway and one-third to the local authorities.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated July 18, 1918, concurred in by Mr. Commissioner McLean. 24 Can.

Ry. Cas., p. 68.

## In re APPLICATION OF THE RIBSTONE, ALTA., BOARD OF TRADE.

This was an application of the Ribstone Board of Trade, Alta., for an order directing the Grand Trunk Pacific Railway Company to erect a suitable station

and employ a permanent agent at Ribstone.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, July 23, 1918, concurred in by Mr. Commissioner Boyce, and holding, having in mind the volume of business transacted there and the revenue the company received therefor, that an agent should be appointed and maintained at Ribstone on and after September 1, 1918.

### In re APPLICATION OF RESIDENTS OF LOOMA, ALTA.

This was an application made to the Board by the residents in the vicinity of Looma, Alta., on the line of the Canadian Northern Railway, to have the station at

this point moved to a more suitable location.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, July 23, 1918, concurred in by Mr. Commissioner Boyce, granting the application and directing that the station should be moved by the company to the new site on or before the 1st September, 1918.

IN THE MATTER OF INCREASES IN RAILWAY FREIGHT RATES IN CANADA, SIMILAR TO THE INCREASES ALREADY GRANTED IN AMERICAN TERRITORY UNDER THE MCADOO AWARD, SO-CALLED.

By Order in Council, P.C. 1768, the Governor in Council, on account of the increased cost of living and that wages in Canadian territory should be increased as increased in American territory, provided that Government railway systems should make similar increases to their employees as were made by the American roads under the McAdoo Award.

Coal-

### 10 GEORGE V, A. 1920

The Order in Council further provided that should the privately-owned railway companies adopt the McAdoo schedule, the Board of Railway Commissioners was to prepare a schedule of rates which would grant similar increases in Canada to the increases granted in American territory, effective as of August 1, 1918.

The ex-Chief Commissioner, Sir Henry Drayton, went into the question very carefully, and in a report to Council dated July 25, 1918, deals exhaustively with the conditions in this country as compared with those in the United States territory, comparing the rates in force in the United States with those in Canada both prior to and after the McAdoo order would become effective, and made recommendations to Council providing for increases to the Canadian railways which, if adopted, would bring the Canadian rates practically in line with those enjoyed by the American railways under the McAdoo order. Speaking generally, the McAdoo order allowed a flat increase of 25 per cent over the rates theretofore enjoyed.

The recommendations of the Board were accepted by the Governor in Council, and, under the authority of the War Measures Act, 1914, by Order in Council, P.C. 1863, dated July 27, 1918, it was provided that the charges for the carriage of freight on all railways owned, operated, or controlled by the Government of Canada, and all other railways subject to the jurisdiction of the Parliament of Canada, be increased

to the extent and in the manner following:-

### TERRITORY EAST OF FORT WILLIAM.

### Section 1.—Class Rates.

All class rates in eastern territory shall be increased twenty-five per cent.

### Section 2.—Commodity Rates.

(a) Commodity rates on the following articles in carloads shall be increased by the amounts set opposite each:-

```
Where rate is 0 to 49 cents per ton.. .. .. 15 cents per net ton of 2,000 pounds.
  Where rate is 50 to 99 cents per ton....20 cents per net ton of 2,000 pounds.
  Where rate is $1.00 to $1.99 per ton......30 cents per net ton of 2,000 pounds. Where rate is $2.00 to $2.99 per ton......40 cents per net ton of 2,000 pounds. Where rate is $3.00 or higher per ton .....50 cents per net ton of 2,000 pounds.
   Where rate is 0 to 49 cents per ton..... 15 cents per net ton of 2,000 pounds.
  Where rate is 50 to 99 cents per ton.....25 cents per net ton of 2,000 pounds.
  Where rate is $1.00 to $1.99 per ton.....40 cents per net ton of 2,000 pounds.

Where rate is $2.00 to $2.99 per ton.....60 cents per net ton of 2,000 pounds.

Where rate is $3.00 or higher per ton.....75 cents per net tom of 2,000 pounds.
Ores, iron..... of 2,000 pounds except that
                                                                       no increase shall be made in rates on ex-
                                                                       lake ore that has paid increased all-rail rate before reaching lake vessel. The in-
                                                                       crease of 30 cents shall be added to tariffs
                                                                       in force prior to March 15, 1918, and the increases since allowed by the Board of
                                                                       Railway Commissioners struck out.
Stone, artificial and natural, building and monu-
```

mental, except carved, lettered, polished or

..2 cents per 100 pounds. traced. ..... 1 cent per 100 pounds. 

Lumber and other forest products not otherwise

herein specifically dealt with..... A flat rate of 1 cent per 100 pounds to be added to the tariffs in force prior to March 15, 1918, and the rate so obtained to be then increased by 25 per cent but not exceeding 5 cents per 100 pounds; the increase since granted by the Board of Railway Commisoners to be disallowed.

Commodities.

Commodities.

### Section 2.—Commodity Rates.—Continued.

### TERRITORY EAST OF FORT WILLIAM.—Continued.

	ancreases.
Pulpwood	per cent, but not exceeding an increase of
	5 cents per 100 pounds.
Cordwood, slabs, and mill refuse, for fuel pur-	
poses	cent per 100 pounds.
WheatB	y striking out the limitation imposed of 2
	cents per 100 pounds in the increase allowed
	by the Board of Railway Commissioners
	effective March 15, 1918, and adding 25 ner
	cent increase, but not exceeding 6 cents
Other engine form and all the state of	her 100 nounds
Other grains, flour and other milled products To	be increased to the new wheat rates.
Live stock	per cent, but not exceeding an increase of
	7 cents per 100 pounds where rates are nub-
t.	lished per 100 pounds, or \$15 per standard
	36 foot car where rates are published per
Packing-house products and fresh meats25	car.
Bullion, base (copper or lead), pig or slab, and	per cent.
other smalter products	
other smelter products	per cent.
Sugar, syrup, and molasses	cancelling existing commodity rates and
	applying the fifth-class rate as increased
Toe	hereunder.
Ice	per cent calculated on tariff in effect prior
	to March 15, 1918. Increases since allowed
	by the Board of Railway Commissioners to
	be disallowed.

- (b) Commodity rates not included in the foregoing list shall be increased 25 per cent.
- (c) In applying the increases prescribed in this section, the increased class rates applicable to like commodity descriptions and minimum weights between the same points are not to be exceeded.

### TERRITORY WEST OF FORT WILLIAM.

### Class Rates.

(a) All class rates shall be increased 25 per cent, calculated on the tariffs in force prior to March 15, 1918; the increases since allowed by the Board of Railway Commissioners to be disallowed.

-	Commodities.	Increases.
	•	Rates to be increased as rates on these com- modities are increased hereunder in eastern territory.
Ores,	iron.	Rates to be increased as rates on these com-
٠.		modities are increased hereunder in eastern
Oreg	other	territory.
0100,	other	On ores not exceeding in value \$25 per met ton,
		1 cent per 100 pounds; on ores valued over
		\$25 to \$50, 2 cents per 100 pounds; on ores
		valued over \$50 to \$100, the 10th class rates
-:	· · · · · · · · · · · · · · · · · · ·	of the merchandise distributing scale, as
1.		increased hereunder, shall apply; on ores
		over \$100 in value the 10th class rates of
		the merchandise standard scale, as increased
C1.		hereunder, shall apply.
Stone	(artificial and natural), building nonumental, except carved, lettered, p	and
		By the addition of 2 cents per 100 pounds to the
		tariff in force prior to March 15, 1918; the
		increases subsequently granted by the
		Thereases subsequently granted by the

allowed.

Board of Railway Commissioners to be dis-

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## TERRITORY WEST OF FORT WILLIAM .- Continued.

Class Rates.—C	ontinued.
Commodities.	Increases.
Stone, broken, crushed, and ground; also sand and gravel	the increases since allowed by the Board of
Brick, except enamelled or glazed	the increases since granted by the Board of Railway Commissioners to be disallowed.
Lime	prior to March 15, 1918; the Increases since allowed by the Board of Railway Commissioners to be disallowed.
Lumber	per cent, but not exceeding an increase of 5 cents per 100 pounds.
Grain and grain products to Fort William and Port ArthurBy	adjacent American territory, to the rates in effect prior to March 15, 1918. Where more than one tariff of an American carrier in an adjacent state exists, the rate increase shall be that allowed on the lowest normal rate for the same or similar mileages in such contiguous territory under the McAdoo Order; the increases since granted by the Roard of Railway Commissioners to be dis-
	allowed. Provided that the rates on said products shall not be greater from the city of Edmonton than from the city of Calgary.
Grain, and grain products between local points and to the Pacific coast	to tariffs in effect prior to March 15, 1918, and by disallowing the increases since made by the Board of Railway Commissioners.
	with addition of 25 per cent, but not exceeding an increase of 7 cents per 100 pounds where rates are published per 100 pounds, or \$15 per standard 36-foot car where rates are published per car; increases to be based on tariffs in effect prior to March 15, 1918, and the increases since allowed by the Board of Railway Commissioners to be disallowed.
Packing-house products and fresh meatsB	y the addition of 25 per cent to the taring in effect prior to March 15, 1918, and increases since allowed by the Board of Railway Commissioners to be disallowed.
Bullion, base (copper or lead), pig or slab, and	
other smelter products	ates from British Columbia smelters to To- ronto and Hamilton to take the rates from the contiguous American smelting and shipping point, namely, Northport, Wash., to Buffalo, viz., 71½ cents per 100 pounds, Montreal to take the New York rate of 81½ cents per 100 pounds. Rates to Canadian

.. To be made on the basis and principle adopted hereunder for eastern territory. (b) Commodity rates not included in the foregoing list shall be increased 25 per cent, calculated on the tariffs in force prior to March 15, 1918, and the increases since

cents per 100 pounds. Rates to Canadian points, other than points in eastern Canadian territory, to be advanced 25 per cent. Rates on zinc for domestic consumption to be the same as on copper and lead.

authorized by the Board of Railway Commissioners to be cancelled.

Sugar, syrup, and molasses.....

(c) In applying the increases prescribed in this section, the increased class rates applicable to like commodity descriptions and minimum weights between the same points are not to be exceeded.

### TERRITORIES BOTH EAST AND WEST.

### Minimum Charges.

(a) After the increases hereunder made in class rates, no rates shall be applied on any traffic moving under class rates lower than the amounts in cents per 100 pounds for the respective classes as follows:-

Classes..... 1 2 3 4 . 5 6 Rates..... 24 21 18 15 12 11 9 10 10 - 71

- (b) The minimum charges on less than carload shipments shall be as provided in the Canadian Freight Classification, but in no case shall the charge on a single shipment be less than fifty cents.
  - (c) Class rates.

Class rates between eastern and western

that portion applicable to western territory, 25 per cent, based on the rate in effect prior to March 15, 1918. The advances sub-sequently allowed by the Board in western territory shall be disallowed.

Commodity rates between eastern and western

points..... On that portion of the rate applicable to eastern territory, the appropriate increase granted hereunder for the commodity for local movements in eastern territory, and of the western portion, the appropriate increase granted hereunder for the commodity advances allowed by the Board of Railway Commissioners in western territory, effective March 15, 1918, shall be disallowed.

(d) Import rates......

.. To be increased, subject, as a maximum, to the lowest rates obtaining from Baltimore or any North Atlantic seaport in the United States to the same destinations, ex-. cept that the rates from Halifax shall be increased so as to continue on the present relative basis.

### (e) Disposition of Fractions.

In applying rates, fractions shall be disposed of as follows:-

(1) Rates in cents or in dollars and cents per 100 pounds or per package:-Fractions of less than 1 or 0.25 to be omitted.

Fractions of \(\frac{1}{2}\) or 0.25, or greater, but less than \(\frac{3}{2}\) or 0.75, to be shown as one-half (1).

Fractions of 3 or 0.75, or greater, to be increased to the next whole figure.

(2) Rates per ton:

Amounts of less than five cents to be omitted.

Amounts of five cents, or greater, but less than ten cents, to be increased to ten cents. .

(3) Rates per car:

Amounts of less than twenty-five cents to be omitted.

Amounts of twenty-five cents, or greater, but less than seventy-five cents, to be shown as fifty cents.

Amounts of seventy-five cents, or greater, but less than one dollar, to be increased to one dollar.

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### (f) Observance of Differentials.

In establishing the freight rates herein ordered, while established rate groupings and fixed differentials are not required to be used, their use is desirable, if found practicable, even though certain rates may result which are lower or higher than would otherwise obtain.

(g) All schedules, viz., tariffs and supplements, published under the provisions of this Order shall bear on the title-page the following, in bold-face type:—

This schedule is published and filed on one day's notice with the Board of Railway Commissioners for Canada, pursuant to Order in Council No. . . . .

The said Order in Council P.C. 1863 further directed that the Board should obtain from the three larger systems, that is to say, the Grand Trunk, Canadian Pacific, and Canadian National Railways, results of railway operation per month, and report on the same monthly to His Excellency in Council, to the end that should the earnings of the said companies, under this order, be greater than the sum required to meet increased costs and permit transportation to be properly and efficiently carried on, the proper reductions in the rates fixed thereunder should be made. It was further provided that the rates prescribed thereunder be effective, if filed with the Board of Railway Commissioners, as and from the 1st of August, and to remain in force for the duration of the war. These rates were continued in effect, by General Order of the Board No. 276, dated December 31, 1919, on and from January 1, 1920.

BEVERLY COAL MUNE AND HUMBERSTONE COAL COMPANIES V. GRAND TRUNK PACIFIC RAILWAY COMPANY.

A spur line constructed under the provisions of section 22 does not become part of the railway from whose line it is built under the provisions of an agreement with the owner providing that the railway company furnish the rails, ties and fastenings, which remain their property, and the owner provides the right of way even if no reference is made to such agreement in the Board's order authorizing the construction of the spur, and the Board has no jurisdiction to authorize an adjoining owner to use such spur.

Blackwoods Manitoba Brewing & Malling Co. v. Canadian Northern Ry. Co. and city of Winnipeg, 44 S.C.R. 92, 12 Can. Ry. Cas. 45; Clover Bar Coal Co. v. Humberstone Grand Trunk Pacific Ry. and Clover Bar Sand & Gravel Cos., 45 S.C.R. 346, 13 Can. Ry. Cas. 162; Boland v. Grand Trunk Ry. Co., 18 Can. Ry. Cas. 60; Kammerer

v. Canadian Pacific Ry. Co. 21 Can. Ry. Cas. 74, followed.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, July 31, 1918, the Assistant Chief Commissioner dissenting. 23 Can. Ry. Cas. 64.

#### CANYON CITY LUMBER COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY.

A carrier which, for the convenience of shippers or consignees and at their request, places their cars on a private siding owned by other parties, is entitled to charge against such shippers or consignees the amount of compensation payable by the carrier to the owners of the siding for such use of it.

The facts are fully set out in the reasons for judgment of the Assistant Chie Commissioner, dated July 30, 1918, concurred in by Mr. Commissioner Boyce, 24 Can Ry. Cas. p. 9.

### In re APPLICATION OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS.

This was an application of the Brotherhood of Locomotive Engineers for an Order directing that all switch and transfer engines be equipped with wedge tanks, low

enough for enginemen to see over, and with a headlight on the rear.

It appeared that a number of railway companies under the jurisdiction of the Board have switching engines equipped with a sloping tender so that the engineer when backing the engine can see a man whose duty it would be to couple the engine to a car. This would, doubtless, lead to the prevention of an accident where the tender is being coupled to a car, but in many cases of shunting, the car which is being attached or separated from the train, is not next the engine, but some distance away from it. In such a case where there is a box car between the man on the ground and the engineer, the box car obstructs the view and the sloping tender is of no avail. Some railway officials object to sloping tenders, because the capacity of the tender for carrying coal and water must be curtailed.

The Operating Department of the Board reported that in so far as equipping the rear of tenders with headlights was concerned that, as a matter of fact, nearly all the switchers now in use are so equipped; that a headlight on the rear end of a tender would, of course, be obstructed by a box car attached to the tender, as the view of the Engineer would be obstructed by a box car.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, July 31, 1918, concurred in by the Deputy Chief Commissioner and Mr. Commissioner Boyce, dismissing the application.

# SIMILKAMEEN FARMERS INSTITUTE V. CANADIAN PACIFIC AND GREAT NORTHERN RAILWAY COMPANIES.

Connecting carriers should route shipments of vegetables and fruit via the shortest

possible mileage routes and file appropriate tariffs of tolls.

The facts are fully set out in the reasons for judgment of the Assistant Chief Commissioner, dated July 31, 1918, concurred in by Mr. Commissioner Boyce, 24 Can. Ry. Cas. p. 125.

### In re APPLICATION OF THE FORT FRANCES PULP AND PAPER COMPANY.

This was an application of the Fort Frances Pulp and Paper Company to the Board for an Order compelling the Grand Trunk and Canadian Northern Railway Companies to re-establish joint commodity rates on wood pulp from Bromptonville,

P.Q., to Fort Frances, Ontario.

The facts are fully set out in the judgment of Assistant Chief Commissioner Scott, August 2, 1918, concurred in by Mr. Commissioner Boyce, to the effect that in view of the general increase in freight rates granted by the Governor in Council, by Order dated July 27, 1918, it would seem not unreasonable to increase the rate in accordance therewith, and that such increase should be made effective not later than August 15, 1918.

In re application of municipal corporation of the township of colchester south, ontario.

This was an application of the Municipal Corporation of the township of Colchester South for an order establishing a highway crossing over the line of the Père Marquette Railroad, so as to connect up the highway with Oak street, in the Village of Tarrow, Ontario.

The facts are fully set out in the judgment of Chief Commissioner Drayton, August 9, 1918, concurred in by Mr. Commissioner McLean, that in the opinion of the Board and in the interests of public safety the application should be refused.

IN TO APPLICATION OF FRANK DECICCO AND MARY DECICCO, NORTH BAY, ONT., et al.

This was an application of Frank Decicco and Mary Decicco, of North Bay, and others, for compensation arising from the construction of the right of way of the Canadian Northern Railway Company through the town of North Bay, and for damages. The matter had already been before the Board at a previous hearing when judgment was delivered. Since the delivery of judgment a by-law was passed by the town of North Bay on the 24th June, 1918, legislating for the stopping up and closing of those portions of the streets and highways in North Bay in question herein and referred to in the said judgment. The by-law passed was the by-law which originally by Order No. 20500 the municipality undertook to pass, the Order being based upon that undertaking as well as the undertaking of the railway company as to payment of compensation or damages.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, August 15, 1918, concurred in by Chief Commissioner Drayton and Mr. Commissioner McLeau, expressing an opinion that the Board should make no Order but leave all questions to be determined as originally contemplated. 23 Can. Ry. Cas. 35.

### NEW MINAS FRUIT COMPANY V. DOMINION ATLANTIC RAILWAY, COMPANY.

The Board has no jurisdiction under section 284 to direct that facilities, such as sidings, should be installed between stations, and the fact that such siding has been installed by agreement between the parties does not extend the powers of the Board.

Kammerer v. Canadian Pacific Railway Company, 21 Can. Ry. Cas. 74, at p. 75 followed.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated August 16, 1918, concurred in by the Chief Commissioner. 24 Can. Ry. Cas. p. 97.

#### WOLFVILLE FRUIT COMPANY V. DOMINION ATLANTIC RAILWAY COMPANY.

Where the trackage for siding facilities offered by a railway company will only serve a particular site but does not give suitable accommodation for the warehouse of the applicant, the railway company may be ordered to provide siding facilities for the site selected by the applicant, but at no greater cost than if these facilities were furnished at the site proposed by the railway company.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated August 17, 1918, concurred in by the Chief Commissioner. 24 Can. Ry. Cas. p. 11.

#### BOLE GRAIN COMPANY V. CANADIAN PACIFIC RAILWAY COMPANY.

The practice of carriers in endorsing on a bill of lading, the provision "shippers load and count" where cars are loaded by the shipper on private sidings and not checked by the carrier, is reasonable and lawful. See sections 284 (7), 340.

The facts are fully set out in the reasons for judgment of Mr. Commissioner Boyce, dated August 8, 1918, concurred in by the Assistant Chief Commissioner 24 Can. Ry. Cas., p. 25.

### In re APPLICATION OF MESSRS. DAVIDSON & SMITH.

This was an application of Messrs. Davidson & Smith to the Board for an order directing the Canadian Northern Railway Company to allow the Canadian Pacific Railway Company to switch cars to and from the Canadian Government Elevator a Port Arthur over the Canadian Northern Railway spur and property from and to the

Canadian Pacific railway, so as to afford the applicant the same privileges as the

Canadian Government Elevator, Port Arthur, Ont.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, September 10, 1918, concurred in by the Assistant Chief Commissioner, deciding that an order should go authorizing the Canadian Pacific Railway Company to use and operate the branch spur of the Canadian Northern Railway Company into the elevator of the applicants, subject to certain conditions as set out in the Board's previous Order No. 20593 in so far as they may be applicable to the joint operation of that part of the spur.

MUNICIPALITY OF MORSE V. CANADIAN PACIFIC RAILWAY COMPANY.

Where a highway is senior to a railway which crosses it, it is the practice of the Board to exempt the municipality controlling the highway from any contribution to the cost of installation or maintenance of an electric bell to protect the crossing.

The facts are fully set out in the reasons for judgment of the Assistant Chief

Commissioner, dated July 17, 1918, 24 Can. Ry. Cas., p. 64.

LETHBRIDGE BOARD OF TRADE et al v. CANADIAN PACIFIC RAILWAY COMPANY.

As traffic increases, train service must be increased, but even where business is decreasing, such minimum train service as will enable the necessary and ordinary business of the country to be carried on should be given.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated September 30, 1918, concurred in by Mr. Commissioner Goodeve. 24 Can. Ry.

Cas., p. 34.

MARTIN & ROBERTSON AND IMPERIAL RICE MILLING COMPANY V. CANADIAN FREIGHT ASSOCIATION.

A carrier is not obliged to meet water competition, and is free in its discretion to take out low competitive tolls provided there is no unjust discrimination, and the tolls made effective are reasonable in themselves.

The Board refused to restore a toll on rice in carloads (60,000 pounds minimum) of 65 cents per 100 pounds from Vancouver and Victoria to Toronto and Montreal points, in place of a toll of 75 cents (30,000 pounds minimum) temporarily reduced on account of water competition.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated October 3, 1918, concurred in by Mr. Commissioner Boyce. 24 Can. Ry. Cas.

p. 141.

### CAR DEMURRAGE RULES: FILE 1700.234.

Judgment, Chief Commissioner Drayton, dated October 25, 1918, concurred in by Commissioner Boyce:—

A letter has been received by the Board from the James Shearer Company, Limited,

of Montreal, as follows:

"At our yards in Montreal we are practically tied up on account of the epidemic of Spanish Influenza, and we find that the Eagle Lumber Co. at St. Jerome, to whom we are shipping material to be dressed for us, are in the same predicament and in all probability cars will be under demurrage before we can even start to unload them.

"As this is a matter entirely beyond our control, we would ask if it is not possible to make special arrangements to have the demurrage charges withheld

until the epidemic subsides.

"We trust you will be able to do something to relieve us, otherwise we shall be heavily penalized by the railways due to the unavoidable illness of our employees."

The Car Demurrage Rules do not cover a case of this character. While the rules arrived at were largely the result of negotiation and agreement between shippers and companies, a condition such as the present was never contemplated. There is no doubt as to the effect of the present epidemic. The railways themselves are unable to handle freight concurrently. A large number of cars set out for movement cannot be moved simply because so many of the railroad men are suffering from the Influenza that it is impossible for the railways to move them. This fact is well known and has been recognized by the shipping public.

Precisely the same conditions apply to the employees of industrial and other plants. As I see it, it would be absolutely unfair and improper to penalize shippers who cannot accept cars owing to the ravages worked by the epidemic on their employees. The matter is one absolutely beyond their control. Demurrage ought not to be charged under such conditions; and in my opinion the railways ought to be advised that demurrage ought not to be charged, and that if necessary the appropriate amending

Order will be made as of this date.

### OKANAGAN VALLEY GROWERS ET AL V. CANADIAN FREIGHT ASSOCIATION.

Where the shortage of refrigerator cars has been relieved by supplying lined and racked box cars, but the carrier has been unable to secure a sufficient number of heaters for them, such heaters ought to be supplied as far as possible at the tolls provided by the tariffs, but in cases where heaters are supplied by the shippers, the carrier is entitled to no remuneration, and should also return the shippers' heaters from destination to point of origin free of cost.

During the shortage of 1917-18 caused by the European war, the Board declined to direct carriers to supply men to see that heaters in cars were properly looked after, when under the tariff shippers' messengers are provided with free transportation for

that purpose.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated October 25, 1918, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Boyce, 24 Can. Ry. Cas. p. 55.

### Re GENERAL INTERSWITCHING SERVICE, GENERAL ORDER NO. 230.

The Board's General Order No. 230 changed the interswitching practice in that it compelled railway companies to give interswitching instead of merely extending it at certain points as a matter of grace, and also threw open the interswitching service, not only to and from private sidings, but also to team tracks. Owing to protests made, the operation of the Order had been stayed.

The facts are fully set out in the judgment of Chief Commissioner Drayton, October 26, 1918, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Boyce, 24 Can. Ry. Cas. 324, that effect be given to the protests of the Canadian Manufacturers Association, the Winnipeg Board of Trade, and the Border Chamber of Commerce of Windsor, and that paragraph No. 14 of the Board's General Order No. 230 be struck out and the following substituted therefor:—

"Should a team track shipper expressly order his shipment to be interswitched to another carrier, notwithstanding that the initial carrier upon whose team tracks the car has been loaded can furnish at the destination, itself, or through its connections, or by interswitching, the same delivery and facilities as the soid other carrier at no greater charge, the said initial carrier may, in lieu of the toll prescribed in Section 6, charge and collect its ordinary published rate to the interchange, which rate shall be a lawful additional charge against the shipment;

"Provided, however, that this alternative shall not be lawful, and Section 6 shall apply, if within forty-eight hours after the shipper has requested it, the said initial carrier fails to place a suitable car reasonably convenient for loading."

In re application of the canadian pacific railway company to amen'd the board's order no. 27225,

This was an application of the Canadian Pacific Railway Company for an order amending the Board's Order No. 27225, dated May 15, 1918, issued on the application of the Canadian Northern Railway Company for approval of proposed trackage serving elevator sites at Current River, Port Arthur, Ontario, to provide for separate access for the Canadian Northern Railway Company and the applicant company to the elevators.

The facts are fully set out in the judgment of Chief Commissioner Drayton, November 4, 1918, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Boyce, that the arrangement that had been come to between the companies ought to be given effect to and the appropriate order issue, subject to the condition that the cars of one company set out for placing by the switching service of the other shall not be discriminated against, but shall be lifted and placed having regard to their priority on the standout tracks.

### $In\ re\ exttt{TORONTO}$ , HAMILTON AND BUFFALO RAILWAY, KINNEAR YARD.

The question involved herein was left for some considerable time with the parties interested, with such directions as the Board thought would enable a proper solution of the immediate difficulty to be solved. No final conclusion having been arrived at between the parties, and the Toronto, Hamilton and Buffalo Railway Company insisting upon its statutory rights and Orders of expropriation, the matter came before the Board for final decision.

The facts are fully set out in the judgment of Chief Commissioner Drayton, November 4, 1918, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Boyce, and directing that an order should go granting the application of the Toronto, Hamilton and Buffalo Railway Company for the expropriation of the lands mentioned, and that a further order should also go granting the Railway Company's application for the expropriation of the Pressed Brick Company's property, upon and subject to the same terms and conditions.

### In re APPLICATION OF THE CITY OF TORONTO AND BELL TELEPHONE COMPANY.

This was an application of the city of Toronto for an order giving Messrs. Clarkson, Gordon & Dilworth, chartered accountants, access to the books of the Bell Telephone Company, in order that they might ascertain whether the requested increase in the telephone tolls of the Bell Telephone Company was warranted.

A further application in this connection was made by the municipal corporations of the cities of Montreal and Hamilton and by the Union of Canadian Municipalities for an order directing the delivery of particulars by the Bell Telephone Company.

The facts are fully set out in the judgment of Chief Commissioner Drayton, November 6, 1918, concurred in by Deputy Chief Commissioner Nantel, Mr. Commissioner Goodeve and Mr. Commissioner Boyce, that an order should go for certain particulars to be furnished by the Bell Telephone Company.

### BELL TELEPHONE COMPANY V. CITY OF LONDON.

The Board has no jurisdiction under sections 247, 248, to make the payment of rent as compensation, a term of an order approving the location and construction

of telephone lines upon, along, across or under a public highway, or to impose any condition, for which a municipality may contend in bargaining with a telephone company, a term or condition of such order.

City of Windsor v. Bell Telephone Co., 22 Can. Ry. Cas. 416; Bell Telephone Co.

v. City of Ottawa and County of Carleton, 22 Can. Ry. Cas. 421, followed.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated November 13, 1915, concurred in by the Chief Commissioner and Mr. Commissioner Boyce. 24 Can. Ry. Cas., p. 102.

In re application of the British columbia electric railway company to increase commutation fares.

This was an application of the British Columbia Electric Railway Company for permission to increase the commutation fares for the carriage of passengers between points on the Vancouver and Fraser Valley Railway covered by tariff B. C. Electric No. 11, C.R.C. No. 5, to basis as outlined in B.C.E.R. No. 19, C.R.C. No. 7.

Tariffs had been filed by the British Columbia Electric Railway providing for increases in passenger commutation rates on its Burnaby Lake line which is comprised in the Vancouver, Fraser Valley and Southern Railway, said line being subject to the Board's jurisdiction.

It was contended by the railway that increases in costs justified the increases in

rates asked for.

The facts are fully set out in the judgment of Mr. Commissioner McLean, November 14, 1915, concurred in by Chief Commissioner Drayton and Mr. Commissioner Goodeve, deciding that an order should go permitting the increases as covered by tariff filed, to become effective on ten days' notice.

Application in re Montreal and Southern Counties Railway Company, and in re

Hamilton Electric Railway Co., followed.

### In re DEMURRAGE RULES-INFLUENZA EPIDEMIC.

On October 25, 1918, judgment was issued by the Board providing that demurrage should not be charged where shippers were unable to accept cars owing to the ravages

worked by the influenza epidemic among their employees.

The facts are fully set out in the judgment of Chief Commissioner Drayton, November 25, 1918, concurred in by Mr. Commissioner McLean and Mr. Commissioner Boyce, providing that applicants for relief under the Board's order should file with the Car Service Bureau, or with the immediate railway company interested, evidence in writing, either by affidavit or declaration, giving particulars as directed by the Board.

### TOWN OF WATERLOO et al v. GRAND TRUNK RAILWAY COMPANY.

Carriers in their discretion may fix tolls to develop business; the Board's juris-

diction is concerned only with the reasonableness of tolls.

Canadian Portland Coment Company v. Grand Trunk and Bay of Quinte Railway Companies, 9 Can. Ry. Cas. 211: Blaugas Company v. Ganadian Freight Association, 12 Can. Ry. Cas., 303, at p. 304; British Columbia News Company v. Express Trails Association, 13 Can. Ry. Cas., 16, at p. 28; Hudson Bay Mining Company v. Great Northern Railway Company, 16 Can. Ry. Cas. 254, at p. 259; Canadian China Chia Company, c. Grand Trunk, Canadian Pacific and Canadian Northern Railway Company, 18 Can. Ry. Cas. 350, followed.

The Board upholding the principle of charging on the unit of weight, refused to grant a flat tell instead of a tell by weight on shipments of wood from Algonquin Park. Ontario, to municipalities for distribution among their citizens at cost.

The Board has no power under section 341(a) to extend the carriage of traffic so as to include a practice not already existing where no question of unjust discrimination arises. The granting of the tolls provided for by section 341 is permissive so far as the carrier is concerned; the jurisdiction of the Board under that section is simply amendatory.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated November 30, 1918, concurred in by the Chief Commissioner and Mr.

Commissioner Boyce. 24 Can. Ry. Cas. p. 143.

In the matter of the application of the Bell Telephone Company of Canada for leave to increase its rates; and the applications of the City of Montreal (1) for particulars, (2) to amend Order No. 27848, (3) for an Order directing the Bell Telephone Company to furnish the City of Montreal with copies of all data, figures, etc., and (4) that if any increases in tolls, rates, etc., are granted the Bell Telephone Company the same shall be temporary and for a limited period of time.

The Board, on the application of municipalities, including the city of Montreal, made an order, general in its terms, for delivery of particulars by the Bell Telephone Company. Since that order was made the city of Montreal secured the services of an expert, and as a result of his advice further particulars were desired. At the city's request the matter was set down for hearing.

In addition to the application for particulars, the city asked that any rates that

might be fixed on the company's application for increases be temporary only.

The evidence of the city's expert was to the effect that because of abnormal conditions an emergency existed, and the company should not be required to go into extensive appraisals and inventory investigations of property, but that they give an analysis of the earnings and operating expenses for a number of years; that in the meantime, and where the rate based on such analysis was in force, the company prepare a full inventory and appraisal of its property, the Board retaining such control of the case as not to affect the burden of proof by temporary relief given under its order.

The Chief Commissioner, Sir Henry Drayton, in his judgment dated December 5, 1918, concurred in by Commissioners McLean, Goodeve, and Boyce, gave effect to the spirit of the application and allowed temporary increases. No limited time was fixed, the rates to remain in force until operating costs and plant values became normal, when the question of permanent rates would be considered.

The application was treated as current, so that the onus of showing what the proper rate was would rest upon the company. The company at the same time was required to furnish the further detailed particulars specifically set out in the judg-

ment.

. IMPERIAL STEEL AND WIRE COMPANY V. GRAND TRUNK AND CANADIAN PACIFIC RAILWAY COMPANIES.

Tariffs of tolls should be interpreted literally without reference to unexpressed intentions of carriers framing them.

Upon the proper construction of the Tariff C.R.C. E. 3677, which specifically names Collingwood as a point taking Toronto tolls, a shipper at Collingwood is entitled to the same toll as a shipper at Toronto on nails for export to China and Japan via Pacific Coast ports.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated December 6, 1918, concurred in by Mr. Commissioner McLean. 24 Can. Ry. Cas. p. 150.

In re increased minimum weight on canned goods in carloads.

Complaints were made to the Board as to the increase in the minimum weight applicable to canned goods, in carloads, moving at commodity rates. These complaints were forwarded from points in New Brunswick, Nova Scotia, Prince Edward Island, and Ontario.

The question was taken up actively by the Board with the Canadian Railway War Board, which in the first instance commenced the campaign for heavier loadings. Owing to car shortages and the great expense in railway operation, it was apparent to everybody that, to the full extent that minima could be increased and a more intensified use made of the equipment available for public business, without at the same time throwing burdens upon the traffic carried, increases ought to be made; and these increases, speaking generally and apart from the question of flour, which was specifically dealt with by the Board, were arrived at by conferences with interested shippers. No action whatever was taken by the Board in connection with canned goods.

The facts are fully set out in the judgment of Chief Commissioner Drayton, December 6, 1918, concurred in by Mr. Commissioner McLean, holding that no action should be taken on the present application, but that the matter be left open for future consideration on any complaint which interested parties may desire to

make subsequent to the declaration of peace.

COMPLAINT OF THE DOMINION CANNERS, LIMITED, OF HAMILTON, ONTARIO, AGAINST THE CANCELLATION BY THE CANADIAN NORTHERN RAILWAY OF SEVERAL CARLOAD COMMODITY RATES ON CANNED GOODS FROM POINTS ON ITS LINE TO POINTS IN QUEBEC AND THE MARITIME PROVINCES. FILE 27256.4.

Judgment, Chief Commissioner Drayton, dated December 6, 1918, concurred in

by Commissioner Goodeve.

This application was heard at the Board's sittings in Toronto on Thursday, October 17, 1918. It was represented by the Canadian Northern Railway Company that these rates were cancelled by the Intercolonial Railway, and that the Canadian Northern, while perfectly willing to maintain rates, could not maintain them in view of the attitude of the Intercolonial.

At this time the Intercolonial system was operated independently of the Canadian Northern, and the Intercolonial, as a Government road, was not subject to the jurisdiction of the Board. The matter, however, was taken up by the Board with the management of the Intercolonial with the view of adjusting the situation if possible. The Intercolonial management has taken the stand that it did not cancel the rates or require their cancellation, but that they were cancelled by the Canadian Northern.

It would appear that the real difficulty between the systems interested rests on divisions. The rates ought never to have been taken out. Whatever the merits may be as between the different systems, the matter is now entirely in the hands of the management of the Canadian Northern, who now control and operate the Intercolonial system. I am of the opinion that an order should go providing that the former joint rates, as increased by the Order in Council No. P.C. 1863, should immediately be put into effect by the Canadian Northern. The district suffering is entitled to the service, and the necessary order ought now to go.

### RENFREW MACHINERY COMPANY V. CANADIAN FREIGHT ASSOCIATION.

The Board will not order initial switching carriers to issue through bills of lading covering interswitching traffic over their lines and the lines of carriers who enjoy the line haul; in the absence of arrangement, two bills of lading are necessary, one by the switching carrier and the other by the line haul carrier.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated December 9, 1918, concurred in by Mr. Commissioner McLean and Mr. Commissioner Boyce, 24 Can. Ry. Cas., p. 31.

### BURLINGTON BEACH COMMISSION ET AL., V. HAMILTON RADIAL ELECTRIC RAILWAY COMPANY

A toll is unreasonable where it is too low just as much as where it is too high. Tolls must be reasonable, having regard to the carrier just as much as to the travelling public.

Under the established practice, train service without such cash remunerative revenues as will enable the carrier to continue its operations cannot be ordered by the Board under the Railway Act, but in view of municipal by-laws and agreements confirmed by section 10 of 7 and 8 Edward VII, chapter 177 (C), the Board can only exercise in the present instance the jurisdiction which enables it to order that the by-laws should be carried out by furnishing the train service stipulated for therein, even though such service cannot be furnished except at a loss to the company.

Hamilton Radial Electric Railway Company v. City of Hamilton et al., 23 Can.

Ry. Cas. 114, followed.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated December 10, 1918, concurred in by Mr. Commissioner Goodeve. 24 Can. Ry. Cas., p. 39.

### GRAND TRUNK RAILWAY COMPANY V. KITCHENER AND WATERLOO STREET RAILWAY COMPANY.

A steam railway does not lose its seniority at a crossing on the highway of an electric street railway when the electric railway is acquired by the municipality.

Canadian Pacific Railway Company v. City of Toronto, 7 Can. Ry. Cas. 274, affirmed; City of Toronto v. Canadian Pacific Railway Company (1908), A.C. 54, 7 Can. Ry. Cas. 282; Grand Trunk Railway Company v. United Counties Railway Company (St. Hyacinthe Crossing case), 7 Can. Ry. Cas. 294; Canadian Northern Railway Company v. Canadian Pacific Railway Company (Kaiser Crossing case), 7 Can. Ry. Cas. 297, followed; Edmonton Street Railway Company v. Grand Trunk Pacific Railway Company, 14 Can. Ry. Cas. 93 affirmed; Grand Trunk Pacific Railway Company v. Edmonton Street Railway Company (Twenty First Street Crossing case), 15 Can. Ry. Cas. 445; City of Edmonton v. Grand Trunk Pacific and Canadian Pacific Railway Companies (Syndicate Avenue Crossing case), 15 Can. Ry. Cas. 443, distinguished.

The facts are fully set out in the reasons for judgment of Mr. Commissioner

Boyce, dated December 30, 1918, 24 Can. Ry. Cas., p. 13.

### WARRINGTON ET AL., V. CANADIAN FREIGHT ASSOCIATION.

Live poultry in carloads is not entitled to the same classification and the same tolls as live stock, and in making a freight toll re-shipment of the finished product is always taken into consideration.

Poultry shipments move under a lower classification in Canada than in the United States, and third-class rating for live poultry in carloads is not unreasonable.

The facts are fully set out in the reasons for judgment of Mr. Commissioner Goodeve, dated January 18, 1919, concurred in by the Chief Commissioner and the Deputy Chief Commissioner. 24 Can. Ry. Cas., p. 155.

# TORONTO TERMINALS RAILWAY COMPANY V, CITY OF TORONTO AND TORONTO HARBOUR COMMISSIONERS.

Where a railway company's Act of incorporation, 6 Edward VII, chapter 70, section 9, enables it to "construct, maintain and operate". . . equipment and appliances for the supply of heat, light, water and power, then under sections 2 (21), 235, 237, of

the Railway Act, the Board has jurisdiction to authorize the company to lay and

maintain across public highways conduits containing pressure steam.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated January 21, 1919, concurred in by Mr. Commissioner McLean and Mr. Commissioner Goodeve. 24 Can. Ry. Cas. 71.

MUNICIPALITY OF BURNABY AND BRITISH COLUMBIA ELECTRIC RAILWAY. FILE 28439.

Judgment, Chief Commissioner Drayton, dated January 30, 1919, concurred in by Commissioner McLean.

The municipality has applied for leave to appeal on question of law to the Supreme Court. I find some difficulty in ascertaining from the record the precise position of the parties as resulting under agreements. Owing to the necessities and position of the company, and the fact that the Board had in other cases held that the Board's jurisdiction under the Act was trammelled by agreements which had not been adopted by the Dominion Parliament, the Board is not directly concerned with this phase of the situation. In view of the fact that the municipality desires to raise the question of the Board's power to deal with any question as against the terms of its agreement, and the further fact that the practice of the Board is to grant leave to appeal on any legal point that is open to reasonable controversy, it is necessary that the question of the applicability of the agreement should be determined. The attention of the parties is called, on the one hand, to the recital of the agreement of 1913, which reads:—

"And whereas the said company in pursuance of the terms of the said agreement caused some seven and one-half miles of electric tramway to be constructed through the district of Burnaby, which tramway has been in operation for some time past;

"And whereas in the opinion of the present municipal council of the said corporation the said agreement and by-law authorizing the execution of same are invalid by reason of same not having been submitted for approval to the electors of the district of Burnaby prior to the final passage of said by-law and the execution of the said agreement;

"And whereas the said company is of the opinion that it was unnecessary to submit the said by-law and agreement for the approval of the electors of the district of Burnaby prior to the final passage of said by-law and execution of said agreement, and that the said by-law and agreement are valid;"

and succeeding recitals indicating that the intention of the parties was to come to an agreement covering inter alia a railway already constructed and, therefore, presumably the line in question.

On the other hand attention is called to section 33 of the agreement which provides that the agreement is applicable only to electric street railways or tramways constructed by the company upon streets within the district of Burnaby under the terms of the agreement, and shall in no wise be deemed to refer to or be applicable to any part of the company's Westminster-Vancouver interurban tramway (presumably the line in question), or any electric street railway or tramway which the company may construct on land acquired by the company in the district of Burnaby.

Attention is also called to the further fact that the record does not show any construction of lines as contemplated by the agreement of 1913, and to the further fact that the line of the company now operated would appear to be constructed on a private right of way.

In view of the fact that the Board will shortly hold a sitting in Vancouver, the application for leave to appeal to the Supreme Court had better be set down at that sitting so as to enable the concrete facts applicable to be properly stated and the fact as to whether or not the company has constructed any railway to which the terms of the agreement of 1913 do in fact apply.

TOWN OF THOROLD V. GRAND TRUNK AND NIAGARA, ST. CATHARINES AND TORONTO RAILWAY COMPANIES.

Where, upon the application of a municipality, the Board directs the construction of an interchange track, as a necessary facility for the handling of traffic, the applicant municipality will not be ordered to contribute any portion of the costs of the work as being. "interested or affected" within the meaning of section 59 of the Railway Act.

In re Canadian Pacific Ry. Co. and County and Township of York, 27 O.R. 559, 25 A.R. 65, 1 Can. Ry. Cas. 36, 47; Grand Trunk Ry. Co. v. City of Kingston et al., 8 Ex. C.R. 349, 4 Can. Ry. Cas. 102; Ottawa Electric Ry. Co. v. City of Ottawa and Canada Atlantic Ry. Co. (Bank Street Crossing case), 37 S.C.R. 354, 5 Can. Ry. Cas. 131; City of Toronto v. Grand Trunk Ry. Co., 37 S.C.R. 232, 5 Can. Ry. Cas. 138; Grand Trunk Ry. Co. v. Canadian Pacific Ry. Co. and City of London (London Interswitching case), 6 Can. Ry. Cas. 327; Grand Trunk Ry. Co. v. Village of Cedar Dale, 7 Can. Ry. Cas. 73, at pp. 77, 78; City of Toronto v. Canadian Pacific Ry. Co. (1908) A.C. 54, 7 Can. Ry. Cas. 282; County of Carleton v. City of Ottawa, 9 Can. Ry. Cas. 154; British Columbia Electric Ry. Co. v. Vancouver, Victoria and Eastern Ry. and Nav. Co. and City of Vancouver (1914), A.C. 1067, 18 Can. Ry. Cas. 287; Toronto Ry. Co. v. Canadian Pacific Ry. Co. and City of Toronto (Avenue Road Subway case), 53 S.C.R. 222, 20 Can. Ry. Cas. 280, followed.

The facts are fully set out in the reasons for judgment of Mr. Commissioner Boyce, dated January 31, 1919, concurred in by Mr. Commissioner Goodeve. 24 Can.

Ry. Cas., p. 21.

### ST. LAWRENCE PULP AND LUMBER CORPORATION V. CANADIAN PACIFIC RAILWAY COMPANY.

The Board refused to give a ruling that a special toll which had already expired was unreasonable, where no further shipments will be made, and the ruling was desired solely for the purpose of claiming a refund from a higher toll charged on the shipment in question.

British American Oil Co. v. Canadian Pacific Ry. Co., 12 Can. Ry. Cas. 327, at p. 333, followed; British American Oil Co. v. Grand Trunk Ry. Co. (The Stoy case), 9 Can. Ry. Cas. 178; Canadian Condensing Co. v. Canadian Pacific Ry. Co., 12 Can.

Ry. Cas. 1, at p. 3, referred to.

The facts are fully set out in the reasons for judgment of Mr. Commissioner McLean, dated February 5, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner Boyce. 24 Can. Ry. Cas., p. 107.

### BESSETTE V. CANADIAN PACIFIC RAILWAY COMPANY.

The Board has no jurisdiction, under section 26 (2), 284, or otherwise, to direct the removal, as a public nuisance, of a stock pen on the railway.

Bennett v. Grand Trunk Ry. Co., 2 O.L.R. 425, 1 Can. Ry. Cas. 451, referred to. The facts are fully set out in the reasons for judgment of the Chief Commissioner, dated February 10, 1919, concurred in by Mr. Commissioner McLean. 24 Can. Ry. Cas., p. 113.

APPLICATIONS OF THE VILLAGE OF WESTBORO AND THE TOWNSHIP OF NEPEAN FOR AN ORDER DISALLOWING THE PROPOSED TARIFF OF THE OTTAWA ELECTRIC RAILWAY COMPANY, C.R.C. NO. 5, PUBLISHED AND FILED TO BECOME EFFECTIVE NOVEMBER 18, 1918. CASE NO. 2987.

The applications were supported at the hearings by the city of Ottawa as well as certain property owners.

The new tariff would radically change the fare basis. To give an extreme illustration, under the tariff in force at the time the application was made, a passenger was

carried from Britannia-on-the-Bay to the Rifle Range, a distance of 11.70 miles for 5 cents. The fare for the same trip under the proposed tariff would be 20 cents, an

increase of 300 per cent.

The company filed statements showing that the operation of the extension to Britannia bay itself was not remanerative. If the operation of this line could stand by itself and be so considered, the company would be entitled to an increase. The fares applying on certain portions of the company's lines were fixed by agreement, confirmed by Act of the Dominion Parliament. The company's operations to the Rifle Range on the east, beyond the easterly city limit, and to Britannia on the west, past the westerly city limit, were not so bound, and were not, therefore, subject to municipal rate limitations.

The Chief Commissioner, Sir Henry Drayton, in his reasons for judgment, dated February 10, 1919, deals with the question of Dominion control, and in that connection refers to the incorporating Act and different statutes affecting the company and the

powers of the Board thereunder to regulate the company's rates.

Section 7 of chapter 86 of the Dominion statutes, 1894, declares the company's lines to be works for the general advantage of Canada. A further Act of the Dominion, chapter 82 of the statutes of 1899, being the Act which authorized the construction of the Britannia line, made certain sections of the Railway Act specifically applicable.

In view of the declaration contained in the 1894 Act, the specific provisions of the Railway Act referred to in the later Act of 1899 were applicable without express reference to them. The Chief Commissioner expressed the view that the provisions of the Act of 1894 were not repealed by the reference to the specific sections in the later Act, and held that, subject to the exception made in the statutes of 1892, namely, that "the operation of so much of the company's line of railway as may be within the province of Ontario, by any new or additional powers covered by this Act, shall be subject to the Statutes of Ontario in force from time to time in relation to street railways, and the operation of so much of the said line of railway as may be within the province of Quebec by any new or additional powers conferred by this Act, shall be subject to the statutes of Quebec in force from time to time in relation to street railways." The company was under the control of Parliament and subject to the provisions in the Railway Act, and the Board, therefore, had jurisdiction to deal with the present applications.

The same company may, under the Railway Act, have different rates on different parts of its system where traffic and operating conditions and construction costs are dissimilar. This practice has been applied to steam railways. The operating conditions between steam and electric street railways are readily distinguishable.

The Britannia line forms part of the company's general investment, and in determining what would be a fair rate to allow for the operation of the line in question, the Board took into account the carnings of the company's entire system—the financial condition of the company, its carnings and liabilities for different years, dealt with at length in the judgment,—and held that the company had failed to show that it required the increased revenue. The proposed tariff was disallowed. Commissioners Nantel, McLean, Goodeve, and Boyce concurred.

An appeal to the Supreme Court of Canada from this judgment now pending.

### IMPERIAL MUNITIONS BOARD V. CANADIAN PACIFIC RAILWAY COMPANY.

The Board has no jurisdiction to order republication of tariffs of tolls for reparation purpose only, but it has jurisdiction to declare tolls charged since to certain dates are excessive to the extent that they exceed the tolls in effect prior thereto and a refund may be ordered upon the respondents so undertaking.

Shell blanks being a transient article of commerce are not specifically provided for in the freight classification, but are covered where necessary by commodity tolls,

these void the "analogous articles" rule of classification, even if the blank and billet are assumed to be analogous, the cutting and addition of ten per cent in value does not make the shell blank a billet and entitle it to the steel billet toll.

The facts are fully set out in the report of the Chief Traffic Officer of the Board, dated December 19, 1918, concurred in by the Chief Commissioner, Deputy Chief Commissioner, Mr. Commissioner Goodeve, and Mr. Commissioner Boyce, 24 Can. Ry. Cas., p. 169.

 $In\ re$  application of the town of st. Laurent and Canadian national railways.

This was an application of the town of St. Laurent, in the province of Quebec, for an order directing the Canadian National Railways to erect a station at St. Mathieu street, within the limits of the said town.

The facts are fully set out in the judgment of Deputy Chief Commissioner Nantel, dated February 28, 1919, concurred in by Chief Commissioner Drayton and Commissioner McLean, granting the application.

# In re CENTRAL RAILWAY COMPANY AGREEMENTS.

Where a railway company entered into agreements for the purchase of the assets, stock and franchises of other railway companies, and subsequently became insolvent, the Board has no jurisdiction under section 361, of the Railway Act, to recommend such agreements for validation.

Niagara, St. Catharines & Toronto Ry. Co. v. Grand Trunk Ry Co. (Merritton

Crossing Case), 3 Can. Ry. Cas. 263, at p. 267, referred to.

The facts are fully set out in the reasons for judgment of Mr. Commissioner Boyce, dated March 11, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner Goodeve, 24 Can. Ry. Cas., p. 117.

# $In\ re\$ application of the residents of portland, ont., and canadian national RAILWAYS.

This was an application of the residents of Portland, Ont., supported by the Post Office Department, for an order directing the Canadian National Railways to stop trains Nos. 5 and 6 regularly at Portland in order to give Portland direct connecion with Ottawa and Toronto, which service was in effect prior to November, 1918.

The facts are fully set out in the judgment of Chief Commissioner Drayton, dated March 13, 1919, concurred in by Commissioners McLean, Goodeve and Boyce, directing hat under all the circumstances the trains in question be ordered to stop as applied

n re application of mission city, b. c., board of trade, re protection at horne avenue CROSSING.

This was an application of the Mission City Board of Trade, B.C., for an order equiring the installation of protection in the form of a bell, or arms, at Horne Avenue rossing in the said city where it is crossed by the Canadian Pacific Railway. The pplication was heard at the sittings of the Board in Vancouver on February 14, 1919, nd subsequently at the sittings of the Board in Victoria on the 17th February, urther evidence was given by the Honourable the Premier of British Columbia.

The facts are fully set out in the judgment of Chief Commissioner Drayton, dated arch 13, 1919, concurred in by Commissioner Rutherford, directing that the crossing protected by bells to be bonded and operated at the expense of the Canadian Pacific ailway Company, with the usual contribution out of the Railway Grade Crossing und, and further directing that all movements on the passing track be flagged across

orne avenue, 24 Can. Ry. Cas. 253.

IN THE MATTER OF ORDER IN COUNCIL P.C. 1863, DATED JULY 27, 1918, RAISING RAILWAY FREIGHT RATES; ORDER IN COUNCIL P.C. 2080, DATED AUGUST 14, 1918, AMENDING THE SAID ORDER IN COUNCIL P.C. 1863 WITH RESPECT TO THE RATES ON SUGAR; AND THE COMPLAINTS OF THE SUGAR REFINERIES AGAINST THE SAID INCREASED RATES. FILE NO. 28678.8.

This matter was first considered by the Cabinet in connection with the increase in freight rates necessitated by the adoption of the McAdoo Scale of Wages by Canadian Systems, with the result that, by Order in Council, P.C. 1863, dated July 27, 1918, all commodity rates on sugar were cancelled, and the whole movement put upon a class basis.

A protest was made by the Board of Trade of the city of Toronto against these increased rates, urging that the new sugar rates "will place upon this staple food product an unwarranted burden," and that this commodity should not be called upon to bear a greater increase than other commodities.

The report to the Cabinet of Chief Commissioner Drayton, dated August 3, 1918, was to the effect that the position with which the Government was confronted was that a strike of certain railway employees was imminent; that a lengthly investigation had been made by a competent and in every sense well qualified commission in the United States, as a result of which wages were very substantially advanced in United States territory; that the increased cost of living to which the railway employees, in common with the general public, were subject obtained in Canada as well as in the United States; and that operating conditions in both countries were largely similar. That, as a measure of justice to railway employees, their wages had been advanced in American territory, and in order to provide sufficient revenues to cover the increased costs, substantial rate increases had also been made, not only for freight but passenger traffic as well; that, as a measure of justice to Canadian railway employees, many of whom work on both sides of the line, the Government requested Canadian railways under its jurisdiction to adopt the so-called McAdoo Wage Scale, and for the purpose of providing the necessary funds directed similar rate advances (although perhaps slightly lower than the advanced rates in American territory), but on freight traffic only. The pressing necessity was to obtain revenue in order that strikes might be prevented and transportation carried on.

Sugar had moved at low commodity rates, and was carried at a lower basic charge than analogous commodities of preferably similar value in the same group of the freight classification—a preference that, whatever its origin, of course had the effect of accentuating the amount of the increase allowed.

In view of the financial necessity, the money had to be obtained. On the other hand, apart from the financial emergency and added costs, the increases ought to be made. Sugar moved under the appropriate 5th class rate for longer mileages in eastern territory. The low commodity rates stopped on the Grand Trunk at North Bay and and on the Canadian Pacific at Sudbury. There is more justification for applying a lower basis of rates to long hauls than to short hauls. Here the converse was applied As a matter of justice, sugar rates ought to be placed on the same basis. For thes reasons, the Chief Commissioner recommended that the application of the Toront Board of Trade be dismissed.

Later, complaints were made by the Atlantic Sugar Refineries of St. John and th Acadia Sugar Refining Company of Halifax, endorsed by the Boards of Trade of eac city. In addition to these complaints, an issue largely similar was raised in wester territory by the complaint of the British Columbia Sugar Refineries, and a furthe report was made by the Chief Commissioner to the Cabinet, dated August 20, 1918.

It was urged that the Montreal rate of 42 cents should be reduced to 27 cents, and that the differential of 11½ cents should be continued on movements west. It was stated in the report that the weaknesses and injustices of the tariff situation would

merely be accentuated by the adoption of this suggestion; that traffic was infinitely heavier between Montreal and Toronto and points west than between St. John and Montreal. Usually rates relate to traffic, to its volume, and to its earnings. To carry out this suggestion would be to do violence to all cardinal principles. Further, that if a proportionate rate basis were put in on any such theory, the Dominion Sugar Refineries at Wallaceburg, Chatham, and Kitchener, with far shorter hauls to Toronto, would naturally demand similar treatment to that which St. John would receive.

The Montreal refiners, as well as the Dominion Sugar Company, did not object to the advance in rates, but they were insistent that if concessions were given to one refiner, they should be given to all, and that the inequalities of the past should cease. The Montreal refiners stated that the Order in Council for the first time gave them fair rates having regard to hauls from other refineries, and that for the first time they properly enjoyed their geographical and commercial position, not only as against Atlantic refineries, but also as against western refineries.

It was set out in the report that, under the Railway Act, the carrier would not be permitted to make an undue profit. Just as soon as rates are unreasonably high, they must be reduced, and, conversely, just as soon as they are unreasonably low, they ought to be raised to a fair, equitable, and just basis, without regard to one section of the country or the other, but having regard to the inhibitions of the Railway Act, which prohibit one locality being discriminated against in ease of another.

The railway situation was not the only basis which of necessity controlled the situation. The Order in Council was the result of war troubles and war expenditures. Both the St. John and the Halifax refineries had an unduly large share of the war burden thrown upon them. Halifax and St. John have geographically, under ordinary business conditions, certain advantages which Montreal has not. On the other hand, Montreal has advantages which they have not. St. John, for example, at the date of the report, was still getting a packet service for 25 per cent of its raw sugar without any additional charge over and above the 50 cent New York ocean rate from the West Indies. In normal times its rate on the balance of its raw material is 6 cents over New York, with the result that in so far as 25 per cent of its sugar is concerned it is on the New York basis, and as to 75 per cent of it, 6 cents over.

In so far as its whole supply is concerned it would, therefore, average 4½ cents over New York. As a general thing Montreal buys its raw sugars in the New York market, although in the past it has got some raw sugar direct. The New York rail rate to Montreal, under Order in Council, P.C. 1863, was 21½ cents, but the extra 6 cent rate which was charged on the boats from New York to St. John as the result of the war and boat shortage was increased to 20 cents; so that, as a consequence, at St. John, instead of paying an average of 4½ cents over New York, it was paying 15 cents, a difference of 11½ cents a hundred.

While no sugar then moved from St. John to Montreal, under the policy enforced as a result of which St. John got the benefit of as low an import rate as the lowest port in American territory, and thus obtained just as much traffic as was possible to secure for it, the St. John-Montreal rate on raw sugar was but 19 cents.

With St. John obtaining its raw sugar on a much lower basis than Montreal, and enjoying the benefits of the export business, these advantages might well offset, and probably did offset, the fact that Montreal is much nearer the larger consuming centres of the country. The position was, therefore, that while the new rate preserved to Montreal its natural geographical advantage on the manufactured article to which it was entitled, the natural geographical advantage on the raw material which Halifax and St. John normally enjoyed was taken away from them as a result of war conditions.

Re Vancouver Refinery Complaint.—Many complaints were made from time to time by the Montreal refineries against the low commodity rates enjoyed by the British Columbia sugar refineries. Under a judgment of the Board, all-rail rates were

equalized at Portage la Prairie. The complaints, however, continued, and the matter

was pending for judgment at the time the Order in Council was made.

Under the rate basis applicable in the different territories under consideration, the all-rail rate from Fort William west would meet the rate from Vancouver east between Medicine Hat and Calgary, while the rate from Montreal, if the commodity moved on the lower water basis in eastern territory, and thus be a rail-lake-and-rail movement, would break at about Swift Current, Sask.

The eastern refineries had always argued that they were entitled to the rates being so adjusted. On the other hand, the British Columbia refineries had always taken the position that their particular movement ought not to be considered on a mileage basis, and that the rate, having been put in voluntarily by the Canadian Pacific Railway

Company, should stand.

In the interests of the railways, however, as well as of the public, it was felt that a substantial movement of sugar should be made from the West to the East. Under all the circumstances, the absolute necessity of an increase in rates was recognized, but it was also felt that the markets of the British Columbia refineries should not be

largely wiped out by a change of railway rates.

Relief was given by Order in Council P.C. 2080, dated August 24th, 1918, which made a special reduction of 10 cents per 100 lbs. from the class rate on sugar, St. John to Montreal, and a special differential above Montreal to points west of 141 cents, giving similar relief to Halifax. And from Vancouver, B.C., as follows, namely:-

(a) To Regina, Lanigan, Humboldt, and Melfort, Sask., the rail-lake-and-rail 5th

class rates contemporaneously in effect from Montreal to the same points.

(b) To Winnipeg: the percentage of the fifth-class rate from Vancouver to Winnipeg equivalent to the ratio of the commodity rate from Vancouver to Regina to the 5th class rate from Vancouver to Regina.

(c) Subject to the said rates as maxima, the commodity rates to destinations intermediate to the aforesaid on the direct lines of transit to be reasonably graduated

until they merged into the 5th class rates from Vancouver.

(d) To destinations off the aforesaid direct lines of transit the commodity rates not to exceed those for equivalent direct line distance applies to the shortest practicable routes, with reasonable additions where the direct line mileage was insufficient for the purpose.

(e) During the existence of the class freight tariffs from Vancouver and Montreal, in effect at the date of Order in Council, P.C. 2080, the commodity rates from Vanconver, graduated as aforesaid, not to exceed 94 cents to Bauff, \$1.00 to Calgary and Edmonton, \$1.05 to Lethbridge, \$1.21 to Saskatoon, and \$1.26 to Prince Albert, per 100 pounds respectively.

Under date of September 4, 1918, a complaint against the said Order in Council, P.C. 2080, was made by the Dominion Sugar Company, Limited, of Wallaceburg, Chatham, and Kitchener; the Canada Sugar Refining Company, Limited, of Montreal;

and the Atlantic Sugar Refineries, Limited, of St. John.

The Dominion Sugar Company alleged that the rate basis helped the Atlantic Sugar Refineries, and enabled them to transport their products into intermediate territories at rates lower than they could export it for similar mileages. The company followed up its protest by a visit from its executive officers, when the matter was discussed. In view of the abnormal conditions the company withdrew its protest, but on the clear understanding that the protest might be renewed without the slightest prejudice by the action which the company had voluntarily taken in case of war conditions as specially affecting a competitor and on the basis that the Order in Council was merely a temporary one, made in view of those emergencies.

The Canada Sugar Refining Company, Limited, filed three tables giving the gist of the results of the judgment in regard to rates, and alleged that a comparison of the

old rates showed that there had always been some discrimination against Montreal, which was rectified by the adoption of the fifth class rates, and again put in force under the rates as settled by the last Order in Council. It was also alleged that there was discrimination in favour of the refinery at Vancouver.

In the Chief Commissioner's report, dated October 25, 1918, he stated that owing to vessel shortage a large proportion of the raw sugars going into St. John had to be obtained in the New York market, or on ocean rates materially higher than to New York. Raw sugars were also largely purchased by the Montreal and Chatham refineries in the New York market. Not only had the boat rate from New York to St. John materially increased, but, owing to boat shortage, raw sugars moved from New York to St. John at a 26-cent rate as against the New York rail rate to Montreal of 21½ cents. The reduction made merely recognized in part the added costs peculiar to refineries on the sea front, on account of war conditions, that the arrangement made had no regard to the regular rate, but was an arrangement which should cease just as soon as the movement of raw sugars became normal.

With regard to the complaint as to rates on sugar from Montreal west as compared with rates Vancouver east, it was pointed out that the rates of the rival refineries formerly met at Portage la Prairie, but as a result of the settlement that was made by the Order in Council, now met at Regina. The resultant gain to the Montreal refineries in western competitive territory was 302 miles. The complainants desired that the rate should either be fixed at the breaking point of the all-rail rates, Fort William west and Vancouver east, which would make Bassano, Alta., the breaking point, or on the rail-lake and rail movement, in which instance the rates would break at Swift Current.

It was stated in the report that it was impossible to say that the eastern refineries were unduly or unjustly discriminated against. Under the readjustment they were getting just as fair a recognition of their geographical position as they were entitled to. They enjoyed a preference as against Vancouver, not only in the whole of the east, but had a lower rate in western prairie territory as far west as Regina; that Regina meant a rail-lake and rail movement from Montreal of 1,773.7 miles as against a rail haul from Vancouver of 1,112.4 miles; and that this extra movement ought at least to satisfy the Montreal refineries and do ample justice to their geographical position. It was against the public interest to break these rates at Swift Current, and in the public interest that they should break at Regina.

The Atlantic Sugar Refineries, Limited, raised the question as to whether or not St. John should directly participate in the saving brought about by the reduction which railways made to meet the competition by water from Montreal west.

The Chief Commissioner was of the opinion that the point was not well taken. He stated that in reducing the 5th class tariff in favour of St. John, St. John in effect was given a commodity rate. The differential of 14½ cents which was established was fixed having regard to that standard rate. The railways had the right to meet water competition, and in meeting water competition discrimination could not be charged as against railways by points not subject to that water competition. No movement from St. John could be taken from the railways as a result of water competition at Montreal, and effect should not be given to the complaints; the Order in Council to stand until the movements of raw sugars were no longer subject to war conditions.

Later, on the applications of the Dominion Sugar Company and the Canada Sugar Refining Company, and the statements made that the war condition and emergency on which action was taken in the Order in Council, P.C. 2080, amending Order in Council, P.C. 1863, were at an end, and that owing to the changed circumstances the amending Order in Council should be cancelled and sugar rates placed upon their ordinary basis, the matter was heard at a sittings of the Board held in Ottawa, January 21, 1919.

In a report to Council of Chief Commissioner Drayton, dated March 15, 1919, concurred in by Deputy Chief Commissioner Nantel and Commissioners McLean. Goodeve, and Boyce, it was stated that although competitive business conditions were restored in the sugar business and the supply of sugar plentiful, the railway situation was as acute as ever; that railways still required the added revenues which the Order in Council gave them; and that the higher rates of wages resulting in very large increases in operative costs were still in effect.

There was much dispute as to the exact raw rate, one refinery stating one thing and the other, another. The rates on raw sugars to St. John and Halifax, being largely water rates, were hard to determine. As a matter of fact, sometimes St. John, sometimes Halifax, got sugar at the same rate, or approximately the same, as New York, and in some instances, during the period of summer navigation, although to a smaller degree, so would Montreal.

The rival interest were also hopelessly apart on the question of the cost of raw sugar at the different refineries. The question of the cost of the raw material at and the freight rates thereon to the different refineries, however, had nothing whatever to do with the question of the rates on the refined article under the provisions of the Railway Act, which provide for equality of treatment and against discrimination in railway rates as such, and do not seek by discriminatory tariffs to equalize manufacturers' costs.

It was shown that for the shorter haul in a district where railway use is the more intensive (Ontario), higher rates were charged than those charged Halifax or St. John on longer hauls. For example: the mileage, Halifax to Ottawa, is 846 miles, the rate 38½ cents; from St. John to Ottawa, 589 miles, the rate 37½ cents; from Chatham to Ottawa, the mileage is 431 miles, and the rate 42 cents. As a result, although the movement from Halifax was nearly twice as long as the movement from Chatham, the rate, notwithstanding, was 3½ cents per 100 pounds lower, while the movement from St. John, which is 158 miles longer than the movement from Chatham, notwithstanding, was made at a rate 4½ cents lower than the Chatham charge.

Apart from war conditions and the considerations which permitted the issue of the amending Order in Council, this condition, of course, was indefensible. The rate from Halifax was but  $5\frac{1}{2}$  cents higher than the rate from Chatham, although the distance is nearly three times as great. The movement from St. John is twice the distance than the movement from Chatham, but the  $37\frac{1}{2}$  Chatham rate was increased but  $4\frac{1}{2}$  cents.

To Chesterville from Halifax, 833 miles, the rate was 38½ cents; from St. John, 558 miles, 37½ cents; from Chatham, 427 miles, 40 cents. As a result, the traffic from Chatham, carried 131 miles less than the movement from St. John, nevertheless took a rate of 2½ cents over the St. John rate. A like condition obtained on the movement to Cornwall.

These instances showed, therefore, that the rates were entirely out of line, and that the central refineries, in territory lying west of Montreal, were subject to an unlawful discrimination. To points east of Montreal, the same consideration applied, as, while a reduction of 10 cents had been made in the rate west, no corresponding reduction had been made in the rate from Montreal east.

The Board was, therefore, of the opinion that the amending Order in Council, P.C. 2080, should be set aside in so far as rates from eastern refineries were concerned; and that the rates prescribed by Order in Council, 1863, applicable to movements from these retineries, should go into effect at the expiration of fifteen days thereafter, subject to such changes and modifications as might be ordered by the Board on any application that might be made, or which might be put into effect by any carrier, and subject to any application to the Board which interested shippers might make against the action of the carriers, or any of them.

It was stated, further, by the Board, that very different considerations applied to the rates from the western refineries. The rates were not out of line with the rates

then in effect, and did not offend any of the provisions of the Railway Act. The Board was, therefore, of the opinion that the Orders in Council should be amended so as to provide that the rates from the western refinery prescribed by the amending Order in Council, P.C. 2080, should stand until such time as the same rates were modified or altered by any carrier, or by any order or direction of the Board; and that the rates from the central refineries reserved under the original Order in Council should be treated in the same manner.

By General Order of the Board No. 276, dated December 31, 1919, it was ordered that, subject to the provisions of the Railway Act, 1919, the tolls of the railway companies subject to the jurisdiction of the Board, in effect as of that date, be continued in effect on and from January 1, 1920.

APPLICATION OF THE TOWN OF GREENFIELD PARK TO BE RELIEVED FROM PAYING ANY PART OF THE MAINTENANCE OF THE GATES ORDERED FOR THE PROTECTION OF LAPINIERE ROAD CROSSING OVER THE GRAND TRUNK AT A POINT BETWEEN THE TOWN OF GREENFIELD PARK AND ST. LAMBERT, IN THE PROVINCE OF QUEBEC. ORDER NO. 18824, ISSUED MARCH 4, 1914. FILE NO. 9437.920.

Judgment, Deputy Chief Commissioner Nantel, dated March 21, 1919, concurred in by Chief Commissioner Drayton and Commissioner McLean.

It appears that there are two sets of gates at this point, one of which is for the protection of a spur track, and the Grand Trunk, when the case was heard in Montreal, expressed the opinion that this one gate might be dispensed with and the situation relieved by so much.

After hearing the case, we dismissed the application on the bench, but a formal order was delayed until our Operating Department made a report on the suggestions set forth by Mr. Chisholm as to the spur track gate.

We now have this report before us, and as the Grand Trunk is of the opinion that the situation should be left as it is, in accordance with the Operating Department's report, the application is dismissed purely and simply.

#### In re DAYLIGHT SAVING ACT, 1918.

1. Jurisdiction—Specific Time—Public Interest—Railway Act, ss. 30, 268, 270, 307.

The Board has no jurisdiction under the Railway Act (ss. 30, 268, 270, and 307), to prevent the use by railway companies of any specific time, unless such use is shown to be against the comfort, convenience and safety of the travelling public and railway employees.

The Daylight Saving Act, 1918, according to the ordinary canons of construction remains in force until repealed.

2. Act—Operation—Judicial and Administrative Body—Discretionary—Legislalive—Jurisdiction.

Parliament having stated its intention that the operation of the Daylight Saving Act should not extend beyond the year 1918, it is inadvisable that the Board should inder all the circumstances, take any action under it.

The Board is both a judicial and administrative body, its jurisdiction is largely liseretionary and in some instances legislative in its character.

The facts are fully set out in the reasons for judgment of the Chief Commissioner, concurred in by Commissioners Goodeve and Rutherford. 24 Can. Ry. Cas. 199.

Freight-

Sleeping and parlour car-

Local tariffs.....

Supplements.
Joint tariffs.
Supplements.
International tariffs.

Combined totals, all schedules .....

10 GEORGE V, A. 1920

290

162

504

784,656

99

110

290

878

#### APPENDIX B.

# REPORT OF THE CHIEF TRAFFIC OFFICER OF THE BOARD FOR THE YEAR ENDING THE 31st MARCH, 1919.

Sir,-I have the honour to submit, for the fourteenth report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph, and sleeping and parlor car schedules filed with the Board from November 1, 1904, to March 31. 1918, and from April 1, 1918, to March 31, 1919, inclusive; also of the more important orders relating to traffic issued by the Board from April 1, 1918, to March 31, 1919.

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING MARCH 31, 1918.

11,584

Local tariffs.....

25,014 36,598 Joint tariffs.
Supplements.
International tariffs. 102,959 76,233 106.134 327,012 433,146 Supplements.......... 572,703 Passenger-11,804 ocal tariffs.
Supplements. 14,877 26,681 Joint tariffs.
Supplements.
International tariffs.
Supplements. 8,785 23.945 18,613 55.298 105.924 Local tariffs....Supplements.... 58,968 53,870 4.924 17,707 Supplements..... 3,893 80,568 Telephone-phone—
Local tariffs.
Supplements.
Joint tariffs.
Supplements.
International tariffs 1,630 2 820 9.712 12.040 429 9.004 9.438 24.293 Telegraph-140 

SCHEDULES RECEIVED FROM APRIL 1, 1918, TO AND INCLUDING MARCH 31, 1919.

Freight—			
Local tariffs	878		
Supplements	1,338	2,216	
Joint tarins.	1,422	-,210	
Supplements	4,671	6.093	
international tarins	4,871	, , , , ,	
Supplements	14,390	19,261	
Passenger—			27,570
Local tariffs	1,485		
Supplements	2,247	3,732	
Joint tariffs. Supplements.	1,876		
International tariffs	2,835	4,711	
Supplements	2,416		
	4,842	7,258	
Express—			15,701
Local tariffs	55		
Supplements	310	365	
Joint tariffs	1,186	909	
Supplements	7,327	8.513	
International tariffs	1,021	0,010	
Sunnlements			
			8,878
Telephone-			0,0.0
Local tariffs	134		
Supplements	41	175	1
Joint tariffs	206		
Supplements	2,609	2,815	
International tariffs			
Supplements	610	610	
Telegraph—			. 3,600
TariffsSupplements	12		
Supplements	7	19	
Sleeping and parlor car—	-		19
Joint tariffs	4.0		
Joint tariffs. Supplements.	16 28	4.4	
International tariffs	28	44	
Supplements	92	113	
2 app. omonte	J 44	119	199
	_		100
Local tariffs	19		
Supplements	23	42	
Combined totals, all schedules			55,967
Grand total			840,623

# SUMMARY OF TRAFFIC ORDERS OF GENERAL INTEREST ISSUED DURING THE YEAR ENDED MARCH 31, 1919.

No. 27054, December 20, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Tara-Keady Telephone Association, operating in the counties of Bruce and Grey, Ont.

General Order No. 215-C, April 2, 1918.—Approves the Standard Freight Mile-

age Tariff C.R.C. No. 15 of the Oshawa Railway.

No. 27104, April 2, 1918.—Authorizes the London and Port Stanley Railway to increase its Standard Freight and Passenger rates by fifteen per cent, and its coal rates by fifteen cents per ton.

No. 27105, April 4, 1918.—Authorizes the Lake Erie and Northern Railway to

increase its freight and passenger rates by fifteen per cent.

General Order No. 225, April 3, 1918.—Permits the use of the form of bill of lading issued by the United States Government for use in connection with international shipments of munitions, war materials and supplies by freight.

No. 27106, April 4, 1918.—Authorizes the London and Lake Eric Railway and Transportation Company to advance its passenger fares by fifteen per cent, its freight rates, except on coal, by fifteen per cent, and its rate on coal by fifteen cents per ton.

No. 27109, April 3, 1918. Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the North Wellington Telephone Company, operating in the counties of Wellington and Dufferin, Ont.

No. 27113, April 5, 1918.—Defines revised free express cartage limits at Walker-

ville, Ont.

No. 27117, April 9, 1918.—Approves the Standard Freight Mileage Tariff C.R.C. No. 176 and Standard Passenger Tariff C.R.C. No. 115, of the London and Port Stanley Railway.

No. 27118, April 9, 1918, and No. 27239, May 18, 1918.—Prescribes a revised

classification of certain rubber articles for carriage by freight.

No. 27121, April 10, 1918.—Approves the Standard Freight Mileage C.R.C. No. 103, and the Standard Passenger Tariff C.R.C. No. 23, of the Lake Eric and Northern Railway.

No. 27135, April 18, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Allenford Rural Telephone

phone Company, operating in the counties of Bruce and Grey, Ont.

No. 27159, April 26, 1918.—Authorizes the Vancouver and Lulu Island Railway and the Vancouver, Fraser Valley and Southern Railway to increase their freight rates by ten per cent, and their rates on coal by fifteen cents per ton.

No. 27167, April 25, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Greenwood Telephone

Association, operating in the district of Algoma, Ont.

No. 27168, April 27, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the James Maclean Company, (Lievre River Telephone Company), operating in the counties of Labelle and Ottawa, Que.

No. 27184, May 10, 1918.—Approves the Standard Freight Mileage Tariff C.R.C. No. 107 of the Vancouver and Lulu Island Railway and the Vancouver, Fraser Valley

and Southern Railway.

No. 27189, May 7, 1918.—Approves an agreement for the interchange of telephone Services between the Bell Telephone Company and the Megantic People's Telephone Company, operating in the county of Megantic, Que.

No. 27208, May 7, 1918.—Authorizes the Quebec Railway, Light and Power Co. to increase its passenger tolls by fifteen per cent to a maximum of 2.875 cents per mile.

No. 27212, May 14, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Town Line Telephone Association of Stafford and Pembroke, operating in the county of Renfrew, Ont.

General Order No. 232, May 14, 1918.—Prescribes revised minimum carload

weights for tan bark.

No. 27222, May 15, 1918.— Requires the Canadian Pacific Railway to restore the pre-existing relationship between the International rates on woodpulp from Ottawa on the one hand and Sturgeon Falls and Espanola, Ont., on the other.

General Order No. 230, May 17, 1918.—Prescribes revised tolls and regulations in connection with the interswitching of freight traffic at points of interchange

between railways

No. 27226, May 21, 1918.—Approves the Standard Passenger Tariff C.R.C. No. 34

of the Quebec Railway, Light and Power Company.

General Order No. 234, May 22, 1918.—Declares the tolls applicable at the time of re-shipment of western grain stopped off for milling, malting, storage or cleaning in transit.

General Order No. 235, May 22, 1918.—Prescribes regulations in connection with freight consigned to flag stations.

No. 27242, May 23, 1918.—Approves the Standard Freight Mileage Tariff C.R.C.

No. 6 of the Cumberland Railway and Coal Company.

No. 27243, May 27, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the South Leeds and Pittsburg Rural Telephone Company, operating in the counties of Leeds and Frontenac, Ont.

No. 27261, May 30, 1918.—Defines free express delivery limits at Trail, B.C.

No. 27270, May 30, 1918.—Authorizes the Brantford and Hamilton Electric Railway to increase its freight rates by fifteen per cent, and its rates on coal by fifteen cents per ton.

No. 27272, June 4, 1918.—Permits express companies to make use of the form of bill of lading issued by the United States Government in respect of international

shipments of munitions, war materials and supplies.

No. 27302, June 12, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and La Compagnie Telephone Rural de Soulanges, operating in the counties of Soulanges and Vaudreuil, Que.

No. 27308, June 14, 1918.—Approves the Standard Freight Mileage Tariff C.R.C.

No. 4 of the Brantford and Hamilton Electric Railway.

No. 27306, June 15, 1918.—Authorizes the Windsor, Essex and Lake Shore Rapid Railway Company to increase its freight rates, except on coal, by fifteen per cent, and its rate on coal by fifteen cents per ton.

No. 27309, June 15, 1918.—Authorizes the Chatham, Wallaceburg and Lake Erie Railway Company to increase its passenger fares by fifteen per cent, its freight rates. except on coal, by fifteen per cent, and its rates on coal by fifteen cents per ton.

No. 27312, June 18, 1918.—Approves the Standard Freight Tariff C.R.C. No. 530, and the Standard Passenger Tariff C.R.C. No. 37, of the Chatham, Wallaceburg and Lake Erie Railway.

No. 27313, June 17, 1918.—Approves an agreement for the interchange of telephone service between the Bell Telephone Company and the North Bonnechere Telephone Company, operating in the county of Renfrew, Ont.

No. 27327, June 20, 1918.—Reduces the telephone toll from ten to five cents for ocal conversations from attended public telephones on a two number basis within the base rate area.

No. 27367, June 26, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the North Bonnechere Telephone Association, operating in the county of Renfrew, Ont.

General Order No. 241, June 29, 1918.—Permits the Eastern Canadian railway ompanies to increase the westbound transcontinental freight rates on specific commotities to British Columbia coast terminals so as to place them on an equality with the

ates on similar commodities in effect in the United States.

General Order No. 242, June 28, 1918.—Authorizes a change in Rule 1 (c) of the Canadian Freight Classification No. 16, and declares that the lawful charge for ach additional car was and is two-thirds of the minimum weight provided in the assification, unless specifically excepted from the provisions thereof in the tariff pplicable.

No. 27379, July 8, 1918.—Authorizes the Hull Electric Railway Company to brease its freight rates, except on coal, by fifteen per cent, its rate on coal fifteen ents per ton, and its Standard Maximum Passenger Tariff so as not to exceed 2.875 ents per mile.

No. 27382, July 4, 1918. Approves the Standard Freight Mileage Tariff C.R.C. 50. 236, of the Windsor, Essex and Lake Shore Rapid Railway Company.

No. 27391, July 3, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Rydal Bank-Plummer Telephone Company, operating in the district of Algoma, Ont.

No. 27397, July 2, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of

Osprey, operating in the county of Grey, Ont.

No. 27398, July 6, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company, and the Rose Telephone Company, operating in the district of Algoma, Ont.

No. 27399, July 6, 1918.—Approves Supplement "F" to Express Classification for

Canada No. 3, to be published as Supplement No. 12 to the Classification.

No. 27401, July 8, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company, and the Montreal Light, Heat and Power, Consolidated, operating in the county of Soulanges, Que.

No. 27441, July 8, 1918.—Approves the Standard Freight Tariff C.R.C. No. F-82 and Standard Maximum Passenger Tariff C.R.C. No. P-9, of the Hull Electric Rail-

way Company.

No. 27121, July 10, 1918.—Approves the Standard Freight Mileage Tariff C.R.C

No. 6 of the London and Lake Eric Railway and Transportation Company.

No. 27422, July 10. 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Renfrew and Shamrock Telephone Association, operating in the county of Renfrew, Ont.

No. 27425, July 10, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Temiskaming and North

ern Ontario Railway Commission operating in the district of Nipissing, Ont.

No. 27456, July 27, 1918.—Authorizes the Montreal and Southern Counties Rail way Company to increase its freight rates, except on coal by fifteen per cent, and it

Standard Maximum Passenger fare to not exceeding 2.875 cents per mile.

No. 27471, July 22, 1918.—Authorizes the Hamilton Radial Electric Railway Company to increase its Standard Freight Tariff by fifteen per cent and its rate on coand coke by fifteen cents per ton; also its Standard Passenger Tariff to two and sever eights cents per mile.

No. 27508, August 1, 1918.—Approves Standard Maximum Freight Tariff C.R.C. No. 33, and Standard Maximum Passenger Tariff C.R.C. No. 21, of the Montreal and

Southern Counties Railway Company.

No. 27509, July 31, 1918.—Approves Supplement No. 11 to Canadian Freigh

Classification No. 16.

No. 27515, August 6, 1918.—Approves an agreement for the interchange of tel phone service between the Bell Telephone Company and the Scottish Canadian Magn site Company, operating in the county of Argenteuil, Que.

No. 27517, August, 1, 1918.—Approves Standard Maximum Freight Tariff C.R. No. 5, and Standard Maximum Passenger Tariff C.R.C. No. 4, of the Hamilton Radi

Electric Railway Company.

General Order No. 245, August 8, 1918.—Amends General Order No. 186 at authorizes a minimum carload weight of 50,000 lbs, for flour loaded in cars of 60,0 lbs, or 70,000 lbs, capacity.

No. 27552. August 13, 1918.—Approves an agreement for the interchange of te phone services between the Bell Telephone Company and the Goulais Bay Telepho

Company, operating in the district of Algoma, Ont.

No. 27555. August 13, 1918.—Approves an agreement for the interchange of te phone services between the Bell Telephone Company and the Bowesville Telepho Company operating in the county of Carleton, Ont.

No. 27564, August 19, 1918.—Approves an agreement for the interchange of te phone services between the Bell Telephone Company and the Corporation of the Tov ship of North Gosfield, operating in the county of Essex, Ont.

No. 27626, August 30, 1918.—Approves an agreement for the interchange of telehone services between the Bell Telephone Company and the Burgessville Telephone ompany of Ontario, operating in the counties of Oxford and Brant, Ont.

General Order No. 249, August 31, 1918.—Approves the Standard Tariffs of various ailways issued under the authority of Order in Council P.C. 1863 of July 27, 1918.

No. 27686, September 18, 1918.—Approves an agreement for the interchange of elephone services between the Bell Telephone Company and the Sunderland Telehone Company, operating in the counties of Ontario and York, Ont.

No. 27689, September 16, 1918.—Approves an agreement for the interchange of elephone services between the Bell Telephone Company and the North Horton Tele-

hone Association, operating in the county of Renfrew, Ont.

No. 27702, September 16, 1918.—Approves the Standard Passenger Tariff C.R.C. To. 1, of the North Mountain Railway Company.

No. 27711, September 21, 1918.—Approves Standard Mileage Freight Tariff C.R.C.

o. 113 of the Quebec Railway, Light and Power Company.

No. 27714, September 27, 1918.—Authorizes amendments to railway tariffs showing parges for elevating and storing grain at Montreal so as to reduce the free storage eriod from twenty to ten days on and from October 1, 1918, to conform to By-law o. 104 of the Harbour Commissioners of Montreal, simultaneous action to extend the aid limited period if and when extended by the Harbour Commissioners.

No. 27732, September 30, 1918.—Approves an agreement for the interchange of elephone services between the Bell Telephone Company and the Corporation of the

ownship of Vespra, operating in the county of Simcoe, Ont.

No. 27733, September 30, 1918.—Approves an agreement for the interchange of elephone service between the Bell Telephone Company and the Corporation of the ownship of Tyendinega, operating in the county of Hastings, Ont.

No. 27772, October 21, 1918.—Requires railway companies in Ontario to issue

rough tariffs on turnips in carloads to points in the Southern United States.

General Order No. 253, October 29, 1918.—Requires a reduction in the minimum irload weight for crushed stone and other building and paving materials in Eastern anada.

General Order No. 254, October 25, 1918.—Requires the Canadian Pacific Railway empany, according to its powers and as required by shippers, to supply heaters in all ars furnished for carload shipments of vegetables. Heaters, when shippers have to urnish them, to be returned free of charge.

No. 27836, November 5, 1918.—Approves an agreement for the interchange of dephone services between the Bell Telephone Company and the Keppel Rural Tele-

hone Company, operating in the county of Grey, Ont.

No. 27852, November 12, 1918.—Approves an agreement for the interchange of elephone services between the Bell Telephone Company and the Noisy River Telehone Company, operating in the counties of Simcoe, Dufferin and Grey, Ont.

No. 27863, November 15, 1918.—Prescribes the 8th Class car load rates on the tual weight of enclosures of calf meal in mixed carloads of grain and grain pro-

icts from redistributing centres.

No. 27867, November 18, 1918.—Approves an agreement for the interchange of lephone services between the Bell Telephone Company and the Cambray Telephone ompany, operating in the county of Victoria, Ont.

No. 27868, November 19, 1918.—Authorizes the British Columbia Electric Railay Company to charge the increased commutation fares published in its Tariff C.R.C.

o. 7, on and after December, 1918.

No. 27888, November 22, 1918.—Approves an agreement for the interchange of lephone services between the Bell Telephone Company and the Hampshire Telephone ompany operating in the county of Simcoe, Ont.

No. 27900, November 26, 1918.—Approves an agreement for the interchange of lephone services between the Bell Telephone Company and the Corporation of the Township of Maidstone, operating the Maidstone Municipal Telephone System in the county of Essex, Ont.

No. 27909, December 2, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Plane Settlement

Telephone Company, operating in the county of Hastings, Out.

No. 27914, December 7, 1918.—Requires the Canadian Northern Railway to restore commodity rates on canned goods from shipping points on the St. Catharines Division to points on the Canadian Government Railways.

No. 27917, December 9, 1918. Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Algoma Central and

Hudson Bay Railway Company, operating in the district of Algoma, Out.

No. 27920, December 10, 1918. -Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Selby Telephone Company, operating in the counties of Lennox, Addington, and Hastings, Out.

No. 27960, December 26, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the St. Mary's, Medina and Kirkton Telephone Company, operating in the counties of Perth, Middlesex and Oxford, Ont.

No. 27961, December 26, 1918.—Approves an agreement for the interchange of telephone service between the Bell Telephone Company and the Elmsley South Rural

Telephone Company, operating in the counties of Leeds and Lanark, Ont.

No. 28000, December 8, 1918.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Ravenscliffe Telephone Company, operating in the district of Muskoka, Ont.

No. 28006, January 11, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Fordwick Rural Tele-

phone Company, operating in the counties of Huron and Perth, Ont.

No. 28007, January 11, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Ore Telephone Company operating in the county of Simcoe, Ont.

No. 28008, January 11, 1919, Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Korah Base Line

Telephone Company operating in the district of Algoma, Ont.

No. 28009, January 11, 1919. -Approves an agreement for the interchange of tele phone services between the Bell Telephone Company and the Springbank Telephone Company, operating in the counties of Huron and Wellington, Ont.

No. 28011, January 24, 1919. - Approves Standard Maximum Freight Mileage

Tariff C.R.C. No. 132 of the British Columbia Electric Railway Company.

No. 28068, January 24, 1919.—Approves an agreement for the interchange of tele phone services between the Bell Telephone Company and the Wakefield and Mashan Telephone Company, operating in the counties of Ottawa and Pontiac, Que.

No. 28103, February 11, 1919.— Approves an agreement for the interchange of tele phone services between the Bell Telephone Company and the Stroud Telephone Co

operating in the county of Simcoe, Ont.

No. 28107, February 18, 1919.—Approves an agreement for the interchange of tele phone services between the Bell Telephone Company and the St. Mary's Telephon System, operating in the county of Shefford, Que.

No. 28108, February 18, 1919.—Approves an agreement for the interchange of tele phone service between the Bell Telephone Company and the Lambeth Telephone Con

pany, operating in the county of Middlesex, Ont.

No. 28113, February 20, 1919. Approves an agreement for the interchange ( telephone services between the Bell Telephone Company and the Burgessville Telephon Company of Ontario, operating in the counties of Oxford and Brant, Ont.

No. 28123, February 27, 1919.—Approves the Lake Erie & Northern Railway Company's standard maximum freight mileage tariff, C.R.C. No. 165.

No. 28124, February 27, 1919.—Approves the London & Port Stanley Railway Com-

pany's standard maximum freight mileage tariff, C.R.C. No. 224.

No. 28134, March 4, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Shakespeare Telephone Company, operating in the district of Sudbury, Ont.

No. 28138, March 4, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Dunwich & Dutton Telephone

phone Company, operating in the counties of Elgin and Middlesex, Ont.

No. 28159, March 4, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Goderich Rural Telephone Company, operating in the county of Huron, Ont.

General Order No. 260, March 17, 1919.—Prescribes new regulations for the

transportation of acetylene gas.

No. 28187, March 20, 1919.—Approves an agreement for the interchange of telephone services between the Bell Telephone Company and the Innisfil Telephone Company, operating in the county of Simcoe, Ont.

#### APPENDIX "C."

OTTAWA, June 30, 1919.

DEAR Sm.—I have the honour to submit herewith, for the Board's Fourteenth Annual Report, a synopsis of work performed by the Operating Department during the year ending March 31, 1919.

REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OF LOSS OF LIFE.

During the year accidents to the number of 1,776, covering 264 persons killed and 1,813 persons injured were reported to the Board by the various railway companies under its jurisdiction. For particulars, attention is directed to statements 1, 3, and 4.

A perusal of statements Nos. 2, 5, and 6, which are comparative statements of the killed and injured, as between passengers, employees and others; class of accident and railways, reveals a decrease of 69 persons killed and 17 persons injured over the preceding year.

Out of the total of 1,776 accidents reported, as above referred to, 936 were investi-

gated, covering 195 persons killed, and 1,081 persons injured.

It will be observed that out of the total of 264 persons killed and 1,813 injured, there were "trespassers" to the number of 77 killed and 102 injured. In this connection reference is made to statement No. 12.

The matter of highway crossing accidents, protection provided, etc., is set out in

detail in statements 3, 4, 7, 8, 9, 10 and 11.

It is pointed out that the number of accidents at highway crossings involving automobile traffic is on the increase. A perusal of statement No. 11 shows that during the past five years there have been 184 such accidents, 13 in 1915, 15 in 1916, 36 in 1917, 54 in 1918, and 66 in 1919.

#### INSPECTION OF SAFETY APPLIANCES.

The work in this connection is largely carried on under the provisions of Section 264 of the Act, and, General Order No. 102. The year's work in detail is set out in attached statements Nos. 15, 16, 17 A & B. It is needless to say that the inspection of 77,261 cars embracing defects totalling 4,232 entails considerable time and labour, both as regards field work, and the resultant checking, recording and filing of the numerous reports in addition to the correspondence necessary in following up with a view to having the railway companies take the necessary action to have the defects remedied.

#### INSPECTION OF MOTIVE POWER.

This division of the work embraces the entire locomotive and tender, and is carried on under sections 264, 265, 266 and 267 of the Railway Act, and General Orders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199 and 226.

Under General Order No. 78, the so-called "Boiler Inspection Order," some 60,000 report forms comprising the monthly and annual inspections of locomotive

boilers and appurtances have been filed during the year.

During the year locomotives to the number of 8,007 were examined by this department's inspectors when 2,193 defects were located, representing approximately 27 per cent.

The checking and recording of the above-mentioned forms and reports, together with the correspondence involved naturally creates an extensive line of work.

# INSPECTION OF PASSENGER EQUIPMENT STATION BUILDING AND PREMISES.

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneicial results.

# APPLICATIONS AND COMPLAINTS re TRAIN AND STATION SERVICE.

The work under this heading takes up a large amount of time of the department, n re inquiries into the numerous applications and complaints respecting train and tation service, and which may be found enumerated in an appendix prepared by the ecretary's department.

It might not be amiss to point out that a great deal of work which would come under this heading was done in connection with the movement of western grain crop, and also in connection with the fuel situation in eastern Canada.

In conclusion, I might state that in order to accomplish the work briefly outlined bove, it has necessitated the travelling by the staff of this department of approxinately 375,000 miles.

Yours faithfully,

Secretary, B.R.C. Building.

GEO. SPENCER, Chief Operating Officer.

TATEMENT No. 1.—Statement showing the number of passengers, employees and others killed and injured on the various railways in Canada, under the Board's juridiction, for the year ending March 31, 1919.

Name of Railway,	Passe	engers.	Emp	loyees.	Otl	ners.	To	tal.
a rame or real ray;	К.	I.	K.	I.	K.	I.	K.	I.
rand Trunk	25	5 15 2	1 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	3 2 1 5 4 15  1 1 2 19 20	45 43 15 3 5 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	2 2 4 4 5 4	3 2 1 1	771 276 424 1200 79 8 9 6 4 4 6 7 7 19 117 
	28	202	117	1,344	119	267	264	1,813

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STATEMENT No. 2.—A comparative statement of killed and injured between years ending March 31, 1918 and 1919.

	Passe		Emplo	yees.	Oth	ers.	Total.	
MACCIFE .	К.	I.	К.	К.	К.	I.	K.	I.
Year ending March 31, 1918 Year ending March 31, 1919	22 25	342 202	137 117	1,220 1,344	174 119	268 267	333 264	1,830 1,813
Increase over 1918	6		20	124	55	i	69	17

STATEMENT No. 3.—Statement showing separately the number of passengers, employees and others killed and injured, and the nature of the accidents, for year ending March 31, 1919.

	Passer	ngers.	Emplo	yees.	Oth	ers.	Tot	al.
Character of Accidents.	K.	I.	К.	I.	K.	I.	К.	I.
Derailment		61 16 31 14	7 7 3 2	95 41 22 26	1	3	9 8 3 2	15: 5: 5: 4:
Collision with cars account open			1	7			1	
collision at grade level (diamond)		14	2	1	1	3	3	1
Public highway crossing protected				4	3	16	3	. 2
by gates.  Public highway crossing protected			1	2	9	18	10	2
Public highway crossing protected			1	3		4	1	
by watchmenPublic highway crossing unprotect	-		2	6	25	100	27	11
ed Private crossing			1	2	2 73	4 86	3 77	10
Trespassing			1	16 180		6	1 20	18
Miscellaneous	14	28	5	254	1	0	6	
working on track or bridge			6 2	75 60		1	2	(
Falling off hand car, motor of velocipede	r	1	7	33		3	7	
Hand car, motor or velociped struck by train	е		10	14		1	10	
Crawling under cars				1				
lers			1	7				
between couplers Struck by car standing foul				3 6	1.	1	. 2	
Struck by switch stand, water spout, mail crane, etc	r,	1	1 -	22			. 2	
Crushed between cars, building lumber, pipe, platform, etc	51			13			. 3	
Explosion of locomotive boiler Falling off passenger train	4	7	1		. 2		7	
Falling off tender while handlin			1 -	3				
Falling off tender while taking		1		6				
Industrial.				97			. 1	
Riding on pilot of engine Overhead bridge				7			. 1	

STATEMENT No. 3.—Statement showing separately the number of passengers, employees and others killed and injured, and the nature of the accidents, for the year ending March 31, 1919.—Concluded.

	Passe	engers.	Emp	loyees.	Ot	hers.	Т	otal.
	K.	I.	К.	I.	R.	I.	K.	I.
Repairing cars on running track								
when moved by engine	1			1	1			
Falling off top of car			2	37				37
Falling between cars going over							-	
topApplication of air brake		9	3	9 31				8
Jumping off train in motion	4	15	1	29			5	
Attempt to board train in motion.	1	11	2	21				35
Washout								
Bridge gave way or burnt Electrocuted			2					
Electrocuted Run down by engine or car	3	3	28	46		5		
Passing too close around end of				1	1	9	52	54
string of cars								1
caught in frog, guard rail, or								1
switch rod				6				6
throwing switch				5				5
Falling off cars while								9
climbing up and coming down								
side or end ladders Falling off car while working hand-				21				21
brake			1	12				10
Asphyxiated in tunnel			1	12			1	12
Handling freight				42				42
Loading and unloading UCS								
material Building and repairing				19				19
working in coal chute			1	7		1	1	4 8
Jars moved while loading and	1		^	· ·		1	1	8
unloading				11		1		12
Drawbridge open Repairing cars on running track			1	,			1	
when moved by engine			2	7			2	prop
ocomotive dropping crown sheet				1			2	7
of fire box			1	8			1	8
Coupling and uncoupling air hose				5				5
	28	202	117	1 244	110	967	964	1 010
	20	202	117	1,344	119	267	264	1,813

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STATEMENT No. 4.—Statement showing the character of accidents sustained by the persons killed and injured on the various railways under the jurisdiction of the Board for the Year ending March 31, 1919.

10 M M T - 1	50.4	30
Public highway crossing protected by bell.	∑ 1~01 ⊠	10
	F 21	30
Public highway crossing protected by gates.	₩	90
sion svel grade nond)	. तम् ।	18
Collision at level level grade (diamond) crossing.	X	20
Collision with cars account open switch.	j 21.51.50	1
Collision with caraccount open switch.	¥	
Collision with ears standing foul of that in fine.	<b>H</b>	
(Coll) with stan four	¥	40
Collision in yard.	Sand	101
	+0.00 01 01 0	53
Collision rear-end.	H	80
2 E 	N N N N N N N N N N N N N N N N N N N	57
Collision head-ou.	H 214	00
1	Z	159
Derailment	<u> </u>	121
] ]).··ī	. 🔀	
	Crand Trunk Canadian Pacific Canadian Northern Michigan Central Grand Trunk Pacific Grand Trunk Pacific Brantford and Hamilton Canadian Government Railways. New York Central Lake Erie and Northern Edmonton, Dunvægan and British Columbia Gotebee, Montreal and Sauthern London and Port Stanley. Wabsas h Algeona Entral valley Windsor, Essex and Lake Shore Windsor, Essex and Lake Shore Pere Marquette Toronto, Hamilton and Buffalo Vancouver, Victoria and Eastern. Hull Electric	Esquimalt and Nanaimo

SESSIONAL PAPER No. 20c

Statement No. 4.—Statement showing the character of accidents sustained by the persons killed and injured on the various railways under the jurisdiction of the Board for the Year ending March 31, 1919—(Continued.)

STATEMENT No. 4.—Statement showing the character of accidents sustained by the persons killed and injured on the various railways under the jurisdiction of the Board for the Year ending March 31, 1919— (Continued.)

Falling off tender while hand-ling coal.	i 21	50
Falliy ten while ling	¥	
		1-
Falling off passenger train.	≥ ≈≈= =	1-
plosion of comotive boiler.		
Explosion of locomotive boller.	2	<u> </u>
Crushed between curs, buildings. lumber piles	10010001-	13
Crushed between cars, buildings, lumber pile etc.	Ж ппп	6.5
Struck by switch stand water spout, mail crane, etc.		252
Struck by switch stand water spout, mail crane, etc.	<u>4</u>	
Struck by ears standing foul.		9
	× 17	
Caught while passing rough cars between	— co	4
Cau wh hety hety hety coul	고 여	2
Crawling through cars over couplers.	. 0010	1
Crast thre cars	조 : : : : : : : : : : : : : : : : : : :	
Crawling cars.		-
Crat	보	
	Grand Trunk Canadian Pacific Canadian Northern Michigan Central Grand Trunk Pacific Grand Trunk Pacific Grand Trunk Pacific Canadian Government Railways. Canadian Government Railways. Lake Laie and Northern Edmonton, Dunvogan and British Columbia Aguschec, Montreal and Southern London and Port Stanley. Wabash Rettle Valley Windowy Essex and Lake Shore. Windowy Essex and Lake Shore. Partish Columbia Electric Pere Marquette Toronton, Hamilton and Buffalo. Toronton. Hull Electric	Esquimalt and Nanalino

# STATEMENT No. 4.—(Continued.)

SES	SSIONAL PAP	PER No. 20c
	Attempt to board train in motion.	. 4400 1
	Atta b tr tr mo	× 100
	Jumping off train in motion.	1. 22 8 8 8 1 1 1 1 4 6 6 1 1 1 1 1 1 1 1 1 1 1 1 1
	1	Řº
	Application of air brake.	I. 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
	Appli of bra	Ħ
	. 50	. 0.4 0.11
	Falling between cars goin over top.	¥ °° °°
	ing top ar.	.1 12 12 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
a.)	Falling off top of car.	
STATEMENT NO. 4.—(Continued.)	iring on track noved gine.	+ 17
-(CON	Repairing cars on repair track when moved by engine.	NA NA
7. 4.	Over- head bridge.	7 2003
I IN	O dri	7.         1
EMEN	Riding on pilot of engine.	
STAT		1 1 1 6 7 6 7 6 7 6 7 6 7 6 7 6 7 6 7 6
	Indus- trial.	×
	Falling off tender while taking water.	H & 01-1
	Falling off ten der while taking water	¥
		Grand Trunk.  Canadian Pacific. Canadian Northern.  Michigan Central.  Michigan Central.  Brantford and Hamilton. Canadian Government Railways.  New York Central.  Lake Erie and Northern.  Edmonton, Dunvegan and British Columbia.  Quebec, Montreal and Southern.  London and Port Stanley.  Wabash  Wabash  Windsor. Essex and Lake Shore.  British Columbia Electric.  Père Marquette.  Toronto, Hamilton and Buffalo.  Père Marquette.  Toronto, Hamilton and Buffalo.  Ratll Electric.  Fere Marquette.  Toronto, Hamilton and Buffalo.  Hull Electric.  Esquimalt and Nanaimo.

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STATEMENT No. 4.—(Continued.)

hile ing id es.	÷	११ १। १२			-			:	15
Falling off cars while working hand brakes.		ş-mi						:	-
Falling off cars while climbing up and oming down ide or end ladders.	.i	တာက မာ					?ì	-	21
Falling off cars while climbing up and coming down side or end ladders.								.	
Caught by engine or car throwing switch.	, <u>.</u>	1.0							10
Can Can or or thro swi	 X		:					-	:
rog, rd or ch.	b-rend +	io -					· , - :		9
Caught in frog, guard rail or switch. rod.	×			: -					
Passing too close around end of string of cars.					. :				:
Pas too aro enc str of c	K.								
Run down by engine or car.	<u> </u>	200====================================	- 5	. : :	: :				75
Run by e	K.	P=1-01	:	· . :			:		32
Cheetro-		: .	: :			. :			
orn orn	<u>                                    </u>	-		· : ·	:				¢1
Bridge gave way or burnt.	,	:::			: : .			. :	
Br				. : .		<u>:</u> .			
Washout.	i	 		:		: :			
Was	3			:				:	
		Grand Trunk Canadian Pacific Canadian Northern.	Grand Trunk Pacific.  Brantford and Hamilton. Canadian Government Railways.	Ven Frin Collina Edmonton, Dunvogan and British Columbia Quebee, Montreal and Southern	London and Port Stanley	Kettle Valley. Windsor, Essev and Lake Shore British Columbia Efectric	Tere Marquette Toronto, Hamilton and Buffalo Vancouver, Victoria and Eastern	Esquimalt and Nanaimo	

# STATEMENT No. 4.—(Concluded.)

SESSIONAL PAPER No. 20c

U U	APER No. 20c
Total.	1.77 276 424 424 179 7 7 7 7 7 7 7 7 7 7 7 7 7 7 8 8 8 9 8 9
T	K. 1399 1339 27 27 27 10 6 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9
Coupling and uncoupling air hose.	H ro ro
Cou a a uncol air	M
Locomotive dropping crown sheet of firebox.	H
	. 1 1
Repairing cars on running track when moved by engine.	
Repairing cars on running trac when move by engine.	Ä 02
Draw- bridge open.	H
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Building Working moved while and in loading and repair- coal and ing.	
om gu	¥
Workir in coal chute.	H 70 16 10 00 00 00 00 00 00 00 00 00 00 00 00
Suilding and repair- ing.	H 9 9 14
	7 T
Loading and unloading O.C.S. material.	1 661
	<u> </u>
Hand- ling freight.	.1 .2 .2 .2 .4
	<del></del>
Asphyx-iated in tunnel.	<u> </u>
Name of Railway.	Grand Trunk.  Canadian Pacific  Canadian Northern.  Michigan Certral.  Grand Trunk Pacific.  Brantford and Hamilton.  Canadian Government Railways.  New York Central.  Cake Eric and Northern.  Edmonton, Dunvegan and B.C.  Juebee, Montreal and Southern.  Condon and Port Stanley.  Wabash.  Migma Central and Hudson Bay.  Windsor. Essex and Lake Shore.  British Columbia Electric.  British Columbia Electric.  British Columbia Electric.  Pere Marquette.  Loronto, Hamilton and Buffalo.  Vancouver. Victoria and Eastern.  Hull Electric.  Esquimalt and Nanaimo.

STATEMENT No. 5.—Comparative statement in totals of killed and injured between years ending March 31, 1918, and March 31, 1919, separately for each and every year.

every year.								
Chamatan of Assidants	191	8.	1919.	.  -		191		
Character of Accidents.					Increa	ase.	Decre	ase.
Character of Accidents.  Derailment Collision head-on Collision with cars account open switch Collision with cars account open switch Collision with cars account open switch Collision at grade level (diamond) crossing. Public highway crossing protected by gates Public highway crossing protected by bell Public highway crossing protected by watchman Public highway crossing unprotected Private crossing. Trespassing. Working on or under engine. Miscellaneous Adjusting couplers, coupling and uncoupling Working on track or bridge Falling off handcar, motor or velocipede Handcar, motor or velocipede struck by train Crawling under cars Crawling through cars over couplers. Caught while passing through cars between coupler Struck by switch stand, water spout, mail crane, et Crushed between cars, building, lumber pile, plat form, etc Explosion of locomotive boiler. Falling off passenger train. Falling off tender while taking water. Industrial. Riding on pilot of engine. Overhead bridge Repairing cars on running track when moved be engine Falling off top of car. Falling off car while throwing switch. The property of the control of the co	K. 19 6 14 9	I. 2422 47 868 588 14 17 14 15 12 5 119 2 64 114 299 70 101 23 31 11 1 3 4 10 15 12 13 3 7 118 4 10 15 12 11 13 3 7 118 4 10 10 15 12 11 13 3 7 118 4 10 10 10 10 10 10 10 10 10 10 10 10 10	K. 9 8 8 3 2 11 3 3 3 100 1 27 3 77 1 1 20 6 2 7 100	1. 159 57 53 40 1 7 18 20 20 7 115 6 102 18 288 75 61 36 15 1 7 4 6 22 13 7 3 6 97 16 7 1 37 9 33 46 55 21 12 42 19 4 8 12	K. 2 1 3 1 1 1 3 0 8 1 1 2 2 3 1 1 1 2 1	1. 10 4 5 8 2 4 38 66 5 13 4 4 7 1 14 7 18 11 14 1 14 1	Decree K. 10 11 7 3 3 3 3 3 3 3 4 1 1 10 1 1 1 1 1 2 2 1 1 1 1 1 1 1 1 1	1. 85 33 15 15 15 15 15 15 15 15 15 15 15 15 15
engine  Locomotive dropping crown sheet of fire box  Coupling and uncoupling air hose		3 6	1	7 8 5	1	3 5	3	
	333 264	1,83	0 264	1,813	46	277	115	
Decrease .	69						69	

STATEMENT No. 6.—Comparative statement in total of killed and injured between year ending March 31, 1918, and March 31, 1919, for each railway separately.

	1 -	918.	1 10	919.	l	17	919.	
			1	010.	Incr	ease.	Dec	rease.
Grand Trunk Canadian Pacific Canadian Northern Michigan Central Grand Trunk Pacific Brantford and Hamilton Canadian Government New York Central Lake Erie and Northern Edmonton, Dunvegan and British Columbia Quebec, Montreal and Southern London and Port Stanley Vabash Algoma Central and Hudson Bay Kettle Valley Vindsor, Essex and Lake Shore British Columbia Electric Pere Marquette Coronto, Hamilton and Buffalo Cancouver, Victoria and Eastern Hull Electric Lequimalt and Nanaimo Casex Terminal Chantam, Wallaceburg and Lake Erie Central Vermont Gidland Contreal and Southern Counties Chousand Islands Comminon Atlantic Cereat Northern	129 46 222 7 1 1 1 3 2 2 5	1. 629 282 2482 3488 184 104 5 11 225 1 1 25 1 4 6 6  13 82 56 3 3 9 3 3 1 2 2 2 2 2 2 4 1 1 1 2 2 1 1 1 2 2 1 1 1 2 1 2	K. 69 139 277 10 6	I. 771 276 424 120 79 8 9 6 4 4 6 6 7 19 17 1 4 1 1 6 24 225 6 6 1,813	3 1 1 1 1 1 16	1. 142 76 3 9	K. 36 19 12 1 1 1 2 1 1 2 3 1 1 2 85	1. 66-255
Decrease	264	1,813					16	255

STATEMENT NO. 7.—Statement showing the number of highway crossing accidents with the total number of killed and injured by provinces and railways for the year ending March 31, 1919.

1	_	-8 4 61 44 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	157
Total.	K.	.621-9	0#
To	Acc.	— किथि शुरी का ता वा चा	142
	ï,	+ I-	=
Alberta.	7.	wijet	· →
NII.	Acc. K. L.	: n 9	6.
van.		with a state of the state of th	1 22
tchev	 	The second secon	4
Saskatchewan.	vec.   K. : 1	चा च क	=
	-		-
British Columbia.	K.	<b>-</b>	-
Cole	Acc K. 1 I		C1
· ·	·	. 9 -	=
Manitoba.	K.	1	01
Man	Acc. ( K.   I	t~ - · · ·	oc *
tia.	1		1
Sc.	×		1
Nova Scotia.	Ace.   K.   I		
ı ×	-		
New Bennswick.	7.		1:
Brut	Vec. K. 1.		1
	1	1 1 1 1 m	55
Quebec.	1.2		G:
n Č	Vec. K.		37
1	` <u>-</u>	· .51 = 51 = 21 = 21 = 21 = 21 = 21 = 21 =	SS
Ontarrio.	1 :4	<u> </u>	75 20 85
Onts	1 - 1 K 1 1	# 1 to 1 t	5.
	Name of Railway.	Fsq. and Nanaimo. Grand Trunk Camedian Pavific Michigan Central Canadian Northers Grand Of Trunk Pacific Pere Marquette Toronto, Hamilton and Buffalo Windsor, Essex and Lake Shore. Lake Shore.	therm

STATEMENT No. 8.--Statement showing highway crossings at which protection provided, and nature of protection, during year ending March 31, 1919.

Nature of Protection.	C.P. R. Train movements to be flagged. C.P. R. Train movements to be flagged. G.T.R. Watchman—8 a.m. to 8 p.m. G.T.R. Watchman—day and night. G.N.R. Watchman—day time. G.T.R. Watchman—day time. G.T.R. Watchman—day time. G.T.R. Removal of old house obstructing view. G.T.R. Removal of old house obstructing view. G.P.R. Bell. G.P.R. G.R. G.R. G.R. G.R. G.R. G.R. G.R
Railway.	CCPR CCPR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPR CCPR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPR CCPRR CCPRR CCPRR CCPRR CCPRR CCPR CCPR CCPRR CCPRR CCPRR CCPR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPRR CCPR CCPRR CCPRR CCPRR CCPR
. Location of Crossing.	Galt, Ont., Beverley St., and Macadamized road (Dundas and C.P.R. Hawkesbury, Ont., Main Street.  Trenfon, Ont., Marmora Street.  Galt, Ont., Haspeler Road.  Hagarsville, Ont., Hespeler Road.  Hagarsville, Ont., Hespeler Street.  Gart. R.  Hagarsville, Ont., Highway immediately west.  Dorchester, Ont., Highway immediately west.  Borchester, Ont., Highway inmediately west.  C. P. R.  Morses, July, B.C. Home avenue.  Woodstock, N.B. Ball Street.  Morse, Sask., first crossing west.  Twp. of Madstone, Ont., Co. Essex, Naylor Side Road.  M.C. R.  Phyp. of Madstone, Ont., Co. Essex, Naylor Side Road.  M.C. R.  Bies Jot., Que., Que., Lesse Road.  G.P. R.  Dorval, Que., Cote de Liesse Road.  G.P. R.  Brichmond, Que., 3 miles cast of in Twp. Cleveland.  G.P. R.  C. P. R.  C. P
Order No.	27387 27389 27215 27203 27179 27179 27170 27238 27238 2718 2718 2710 2710 2710 2710 2710 2710 2710 2710
File No.	26727.27 26727.25 36727.25 3678.44 3678.49 2676.49 26842.1 9437.1248 2675.65 2676.65 2676.65 2676.65 2676.65 2676.65 2676.65 2676.46 2676.46 377.66 9437.463 9437.1160 9437.1160

STATITUTE No. 9.—Statement showing the number of highway crossings at which protection has been erdered by the Board, and the nature of protection set out by provinces, for the year ending March 31, 1919.

Nature of Protection.	Nova Sectia	New Brinswick.	Quedace	Ontario	Manitoba.	Saskat- chewan.	Alberta.	British Columbia.	Total.
Bells		1	3	1 4	[]	1		2	11 2
Overhead bridge			1	1 2					1 2 2
WatchmanRemoval of houses and trees				3 2 1					3 2 1
		1	8	71		1		2	26

STATIMENT No. 10.—Statement on which number of persons killed and injured at public highway crossings. Separately for each year for five years ending March 31, 1919.

Year.	Ga	tes.	Be	11.	Wateh	ıman.	Unpro	tected	Tot	al.
1915. 1916. 1917. 1918.	K. 6 3 10 6 3	10 4 15 15 20	K. 2 9 4 9 10	7 8 10 12 20	K. 2 2 1 1	1. 5 5 13 5 7	K. 37 31 45 52 27	1. 68 57 98 119 115	K. 47 45 60 67 41	90 74 136 151 162
	28	1,1	34	.),	6	·) ~	192	457	260	613

STATEMENT No. 11.—Statement showing the number of highway crossing accidents, the nature of same, for each and every year separately for the five years ending March 31, 1919.

	Total	184	261	187	632
	1919	99	29	47	142
	1918	54	20	35	139
Total.	1917	36	58	42	136
T	1916 1917	15	58	28	101
	1915	13	99	35	114
	1919 Total.	143	224	104	471
ed.	1919	49	28	21	86
Unprotected.	1918	45	43	22	109
Inpro	1917	29	45	25	66
ך	915 1916	H	40	17	22
	1915	6	59	20	88
	Total.	25	21	16	62
	1919	13		ಯ	17
Bell.	1918	20	ಣ	4	12
, –	1917	41	1	4	15
	1916	23	1-	2	11
	1915 191		ಚಿ	ಣ	1
	Total.	90	10	12	30
	1919	1	:	9	1~
Watchman	1918	. თ	co		1
/atch	1917	+(	4	<b>←</b>	9
	1916	62	-	ಣ	9
	1915		2		4
	Total.	90	9	55	69
	1919	අත	:	17	20
Gates.	1918	-		6	11
Ga	1915 1916 1917 1918	53	27	12	16
	1916	:	_	9	1
	1915	2	2	11	15
	1	Automobile	Horse and rig.	Pedestrian 11	

The grand total of 632 accidents covers 260 persons killed and 613 persons injured, as referred to in the preceding statement.

STATEMENT No. 12.—Statement showing the number of trespassers killed and injured by provinces and railways for the year ending March 31, 1919.

al.	I.	27 19 1	01-010101	102
Total	K.	× 4 5 0	· m · – :	22
ish mbia.	j-m(	::	5151	1
British	K.		°	5
Alberta.	H	¢o		4
Albo	K.			60
Saskatche- wan.	i			
Saska	K.	6100		9
Manitoba.	H	-0.01		4
Mani	K.	69		
Ontario.	i	188	 	280
Onta	K.	100		41
Juebec.	H	14		23
Que	K.	10 17 11 11 11 11 11 11 11 11 11 11 11 11		19
wick.	ij	en : :		00
New Brunswic	K.			
va tia.	H	52		7
Nova Scotia.	X.			:
Name of Railway.		Grand Trunk  Ganadian Pacific  Canadian Northern  Quebec, Montreal and Southern  Michigan Centrel	Pere Marquette. Grand Trink Pacific Tropato, Hamilton and Buffalo Vancouver, Victoria and Eastern Esquinali and Namaimo	

STATEMENT No. 13. Statement showing the number of persons killed and injured on the various railways under the judisdiction of the Board from April, 1910, until March 31, 1919, classified under three headings and shown separately for each and every year.

Year.	Passer	igers.	Empl	oyees.	Oth	ers.	Tot	al.
Tear.	K.	I.	K.	I.	K.	I.	К.	I.
1910	51 24 28 21 31 8 17 16 22 28	211   132   292   410   339   239   140   280   342   202	194 263 230 303 249 99 120 155 137	745 788 1,381 1,603 1,250 873 788 1,174 1,220 1,344	211 207 231 319 314 230 200 212 174 119	167 199 238 218 310 251 197 239 268 267	456 494 489 643 594 337 337 383 333 264	1,12 1,11 1,91 2,23 1,89 1,36 1,12 1,69 1,83
	246	2,587	1,867	11,166	2,217	2,354	4,330	16, 10

STATEMENT NO. 14.—Statement showing the number of persons killed and injured in the more prominent accidents on the various railways under the jurisdiction of the Board, shown separately for each year for the five years ending March 31, 1919.

Detailment		1915.		1916.	6.	1917.	7.	1918.	90	19	1919.	Total.	al.
7 82 6 6 55 10 234 19 10 6 75 10 234 19 10 6 75 10 10 75 10 10 10 10 10 10 10 10 10 10 10 10 10		К.	I.	К.	I,	К.	I.	К.	I.	K.	I.	K.	I. fi
7     82     6     55     10     234       7     49     11     76     6     45     6       8     54     26     31     3     13     14       10     22     1     3     15     15     15       10     22     1     1     2     25     15       10     22     1     1     2     25     15       10     22     1     1     2     25     15       10     22     1     1     2     25     15       17     10     22     1     1     2     25       17     1     2     2     25     15       17     1     2     2     25     15       17     1     1     2     2     2       18     1     1     1     2     2     2       10     1     1     1     1     1     1       10     1     1     1     1     1     1       10     1     1     1     1     1     1       10     1     1     1     1     1     1 <t< td=""><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<>													
2     46     4     7     46     4     6     45     6       3     3     54     20     11     76     16     42     14       4     4     2     1     3     1     13     14       10     22     1     1     2     5     15     15       10     22     14     17     15     38     15       10     22     14     17     15     38     15       17     170     126     143     102     129     79     93       5     9     5     3     6     7     5     3       6     9     6     1     1     1     1     1       7     3     8     5     3     6     7     5     3       8     2     6     6     7     7     5     4     1     1     1       9     3     4     2     1	Derailment	10	82	9	55	. 10	234	19	242	0	159	10	779
3     54     11     76     16     42     14       10     2     1     3     13     13     14       10     22     1     1     2     25     15       10     22     1     1     2     25     15       10     22     1     1     2     25     15       10     22     1     1     2     25     55       17     170     126     145     15     38     15       17     17     15     38     15     38     15       18     1     1     1     1     1     1       19     2     8     1     1     1     1       10     3     1     1     1     1     1     1       10     4     2     8     1     1     1     1     1       10     2     3     4     1     1     4     1     1     1       10     2     3     4     3     4     1     4     1     1       10     3     4     3     4     3     1     3     1     1 <td< td=""><td>Collision head-on.</td><td>22</td><td>46</td><td>4</td><td>LC</td><td>9</td><td>45</td><td>9</td><td>47</td><td>0</td><td>100</td><td>96</td><td>2006</td></td<>	Collision head-on.	22	46	4	LC	9	45	9	47	0	100	96	2006
3     54     26     31     3     13     9       10     22     1     1     2     25     15     9       10     22     1     1     2     25     15     9       10     22     1     1     2     25     15     9       17     9     31     17     15     38     15     15       17     12     2     5     39     55     15     15       17     18     19     10     129     79     93     15       18     11     1     1     1     1     1     1       19     2     6     6     7     9     33     1     1     1       10     1	Collision rear end	1	49	=	76	16	49	14	40	) e	2 10	9 14	200
2 2 2 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Collision in yard	භ	54	26	31	3 00	23 52	6	0 00	3 6	8	43	196
2 2 2 1 1 2 2 5 5 1 1 1 1 1 1 1 1 1 1 1	Collision with cars, open switch.		7		60		122		7	)		7	36
10 22 14 17 12 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 38 157 458 48 11 11 11 11 11 11 11 11 11 11 11 11 11	Collision with cars, foul main line	:	2	-		2	15		14	4	-	1 00	66
10 22 14 17 15 38 15 7 45 98 55 7 7 7 7 8 8 8 1 10 2 120 120 120 120 120 120 120 120	Collision at level crossing.	2	22		_	161	22		14	· 67	1 00	10	11
7	Highway crossing protected.	10	66	14	17	151	1 00	15	35	=	17	- 89	156
170 138 139 125 53 55 53 55 55 55 55 55 55 55 55 55 55	Highway crossing unprotected	37	89	31	57	45	98	52	119	27	115	192	457
S. S	Adjusting couplers, uncoupling, etc	_	00	20	39	FC)	53	20	70	9	75	28	275
S. S	Trespassing	170	126	143	102	129	79	93	64	22	102	612	473
P. S.	Stand bre gritch the 3 th	<del></del>	ဘ၀	IQ (	co ,	9	_	10	11	10	15	31	45
2 3 11 12 4 117 1 2 4 5 22 4 21 6 3 45 11 38 2 4 11 6 3 2 29 8 22 4 1 1 3 3 41 27 42 63 56 43	Course by switch stand, etc.		000	23 (	9		19		15	23	22	70	20
P. D. S.	Dolling of mossesses that buildings.	: 6	, D ,	711	00 (		17	-	12	ଦବ	13	10	59
P. 22 2 4 21 6 3 3 4 45 11 38 12 4 30 13 6 43 56 43 3 3 4 4 5 6 3 5 6 43 5 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	Falling off ton of som	י פי	II	1	77	4.	13	4	13	2	~	19	99
2 2 4 1 1 38 12 4 1 1 27 4 2 63 56 43 56 6	Holling between some come forms for	40	7.7	5	7.5	41	21	9	23	22	37	21	125
ion 2 2 29 8 12 55 6 43 13 13 15 6 6 43 6 6 6 43 6 6 43 6 6 43 6 6 43 6 6 43 6 6 43 6 6 6 43 6 6 6 43 6 6 6 6	Talling Detween cars going over top.	N	20 1		30	2	4		2	က	6	90	21
2 29 8 22 4 30 13 33 41 27 42 63 56 43 3 3 5 64 43	Attended to Lead in motion.	no (	45	pered '	200	12	53	9	46	5	46	37	228
33 41 27 42 63 56 43 3 3 2 2 2	Description board train in motion	21 6	5.7	00	 	41	30	13	24	ಯ	35	30	140
67	run down by engine or car.	200	41	27	42	63	56	43	50	32	54	198	243
	Locomotive aropping crown sheet		200			:	2		က	T	00	-	16
298 693 302 542 330 866 292 952		298	693	302	542	330	866	292	952	218	920	1.440	3,973

SIMBALLY No. 15. SLITTE ALSONNIE HINDER BOOK DISPOSED FOR YOUR MAINE MAINEST FOR DESCRIPTION OF STATEMENT AND STAT

ent Air Per cent		3.18 1,194 62.18	943 00	154 50	200	286 - 78	56 76	42 70	21	45	9	55	34 49	5 5 62	25.00	2 25	3.19 2,959 62.16
Hand- Per cent		61										gene)	3		1 2		152
Per cent				23	23	10	10.96	3.34	9.30	35.	25.	1 27.		12.00	50.00	12.00	16.99
Couplers   Per cent Uncoupling		322	204	191	33	9	-			****		10			6.1		809
Couplers Per cent	241 101 101 101 100		2.69				1.37			5.00			2.89				2.29
Couplers	did pare		38				~			2	8		9			00	100
Cienti total		travel					7.3										4.760
Per cent																0.33	5.40
		1											0.0				0
		- 7	22	13		1.	_									75	196 12
Name of Railway.	1	Caman dans Paradic	Grand Trunk	Canadian National	Grand Tynnk Pacific	Mad aggie Courted	Toronto. Hamilton and Buffalo	Pere Marquette.	Dominion Atlantic	Onches Oriental	Winnings Joint Terminals.	Vicenna Instern	Agoma Contra	Boston and Maine.	Now York and Oftswa	London and Port Stanley	

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Name of Railway.	Ladders.	Per cent defective.	Sill steps.	Per cent defective.	Height of couplers.	Per cent defective.	Miscel- laneous.	Per cent defective.
Çanadısın Pacific.	65	3.31	125	6.50	9	.31	106	5.50
Ganadian National	22 23	2.69	39	2.97	4	.29	108	7.64
Grand Trunk Pacific	10 4	2.98	000	5.36	_	.59	210	12.5
Toronto, Hamilton and Buffalo	7 2 4	2.74	0 67	2.74			0 ಣ	
Pere Marquette	C/1 C	3.34					12	20.00
Quebec Oriental	1	CO. +	- 01	5.00			ಬ ಬ	
Winnipeg Joint Terminals. Algoma Eastern			:	5.55		:		
Algoma Central. Boston and Maine	67	2.89	9	8.69			14	20.29
New York and Ottawa London and Port Stanley.							7 4	20.07
	142	2.98	236	4.96	11	.23	342	7.10

STATEMENT NO. 15.—Statement showing number of cars inspected for year ending March 31, 1919, together with defects noted.

STATEMENT No. 16. Statement showing defective safety appliances on freight cars as reported by the inspectors for year ending March 31, 1919.

COUPLERS AND PARTS.	
Coupler body broken	
ounler body worn	
Fuard arm short	]
Ingelde broken	
Angekle mis tag	2
Concle par broker	
Annekle pin Wrong Annekle pin best	
Concelle pin mussing	
ock block broken	8
ock block wrong	
a k that her?	
ork block properties of	
ook block tressier rock block key missing	
ock block trigger missing	
25 - 1	10
Total	10
Uncoupling Mechanism.	
ncoupling lever broken	2
Incoupling lever wrong	
Incoupling lever bent	3
'ncoupling lever incorrectly applied. 'ncoupling lever missing	- 6
'ncoupling chain broken	53
'ncoupling chain too long	
ncoupling chain too short	
ncoupling chain missing	11
*(c) constitut 150 ft 151 ft 160 ft 171	11
and casting wrong	
End casting bent End casting loose	
and casting incorrectly applied	
and casting missing	
Keeper wrong.	,
A Charle field	
Aceper 100se	
Geeper incorrectly applied Geeper missing	
Angle clip loose	
Total	. 80
HANDHOLDS.	
Intertable Mokeii	
Handhold incorrectly applied Handhold missing	
Total	13
HEIGHT OF COUPLERS.	
ing set on figs.	
arrier iron loose.	
Total	

## STATEMENT No. 16.—Concluded.

#### AIR BRAKES.

THE DIVACES.	
Triple valve defective	
Triple valve missing	
Reservoir defective	
Reservoir loose	2
Cylinder defective	23
Cylinder loose	62
Cylinder and triple valve not cleaned within 12 months.	28
Cylinder and triple valve not stencilled with date of cleaning	1
Cut out cock defective. Release cock defective.	64 2
Release cock defective.  Release cock missing.	3
Release rod broken.	112
Release rod missing.	66
Release rod missing	194
Angle cock missing.  Train pipe broken.	6
Train pipe broken	15
Train pipe loose	68
Train pipe bracket missing.	27 31
Crossover pipe defective.	31
Hose defective. Hose missing	132
Hose gasket missing.	
Retaining valve defective	5
Retaining valve defective	6
Retaining pipe defective	98
Retaining pipe missing Brake rigging defective	4 187
Brake rigging defective	1.789
Brake cut out	14
Brake cut out card old	13
Pump missing.	1
	0.000
Total	2,959
Ladders.	
	0.0
Ladder round broken	26 99
Ladder round bent	
Ladder round loose Ladder round missing	8 7
Ladder round missing	2
Ladder incorrectly applied.	
Ladder incorrectly applied	
Total	124
_	
SILL STEPS.	
	3
Sill step broken	214
Sill stop bont	5
Cill aton loons	2
Sill step incoerrectly applied	12
Sill step missing	
Total	236
MISCELLANEOUS.	
	342
Total	4 500
Grand total	4,760
ATTAING TOTAL	

STATEMENT No. 17 "A".—Statement of defects on freight cars shown separately for each year for five years ending March 31, 1919.

	1915	1916	1917	1918	1919	Total
Couplers and parts. Uneoupling mechanism. Handholds. Air brakes. Ladders. Sill steps. Height of couplers. Miscellaneous.	166 886 182 4,181 417 301	100 551 340 3,127 151 213 4 565	100 548 291 1,887 99 195 4 371	54 470 158 1,710 97 158 6 214	109 809 152 2,959 142 236 11 342	529 3, 264 1, 123 13, 864 906 1, 103 25 2, 368
	7,009	5,051	3,495	2,867	4,760	23, 182

STATEMENT No. 17 "B".—Statement of cars inspected and defective shown separately for each year for five years ending March 31, 1919.

	1915	1916	1917	1918	1919	Total
Cars inspected	105,485	77,491	58,073	52,224	77, 261	370, 534
Cars defective	6,578	4,541	2,957	2,499	4,232	20,807
Percentage defective	6-24	5.86	5.09	4.79	5.48	5.62

#### APPENDIX "D."

## REPORT OF THE CHIEF FIRE INSPECTOR.

Оттаwa, March 31, 1919.

A. D. Cartwright, Esq., Secretary, Board of Railway Commissioners, Ottawa, Ont.

Sir,—I have the honour to submit herewith the report of the Fire Inspection Department, for the year ending March 31, 1019, for the fourteenth annual report of the Board.

## RAILWAY LINES WITHDRAWN FROM JURISDICTION OF THE BOARD.

Since submitting the last annual report of this department, four railway lines in the province of New Brunswick have been absorbed into the Canadian Government Railways system, viz: the Elgin and Havelock, 28 miles; the Salisbury and Albert, 45 miles; the Saint Martins, 30 miles; and the Moncton and Buctouche, 32 miles. These lines having been withdrawn from the Board's jurisdiction, no information or figures are available as to the fire situation on these lines during the past fire season.

#### ORGANIZATION.

The co-operative relationship between the Fire Inspection Department of the Board and the respective Dominion and provincial forest fire-protective organizations has continued in effect. During the past year, eighty-five officials of such organizations have acted as local officers of the Fire Inspection Department as follows:—

	29	men.
British Columbia Forest Branch	4	6+
Deminion Parks Branch	-	6.6
Dominion Forcetry Branch	91	
Ontonio Forgetry Branch	mer A	4.6
Onethon Honort Service		6.4
- The most Commission		44
- a cart o rate and Come Guardian of Aiberta		6.6
Office of Chief Fire Commissioner of Saskatchewan		
	0.5	
moral	85	men.

## RAILWAY FIRE PATROLS.

As reported last year, the special patrol requirements are now largely standardized. Taking into consideration the difficulties, due to war conditions, of securing competent men and equipment, the patrol requirements and fire protective measures prescribed were, on the whole, reasonably carried out.

#### FIRE STATISTICS.

A grand total of 1,144 fires, from all causes, were reported as having originated within 300 feet of railway lines subject to the Board, during 1918. These fires were distributed throughout the Deminion as follows:—

344	fires	or	30:1	per	cent	occurred	in	British Columbia.
								Prairie Provinces.
464	66	64	$4() \cdot 6$	66	66	44	66	Ontario.
\$1.1	**		5.2		* *	**		Quebec.
6	66	66	.5	66	66	46	66	New Brunswick.
52	66	64	4.5	44	44	66	66	Nova Scotia.

Of the grand total of 1,144 fires reported, 468 were class A fires, which did no damage, while 676 fires were class B fires, which burned over 64,591 acres, destroying property valued at \$102,116. Of the total of B class fires, 78 per cent are definitely attributed to railway agencies, 7 per cent to known causes other than railways, and 15 per cent to unknown causes. A total area of 64,591 acres was burned over, of which \$9 per cent is chargeable against the railways, 2 per cent to known causes other than railways, and 8 per cent to unknown causes. The total damage done is estimated at \$102,416. Of this, the railways are definitely charged with 66 per cent, while 26 per cent of the damage is due to known causes other than railway, and 8 per cent to unknown causes.

SUMMARY of Reports on Fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, Season of 1918.

Totals.	370 454 154 159 384 513	897	10, 263 15, 273 15, 786 16, 294	57,616	\$ 13,748 28,461 3,737 21,934 \$ 67,880
Miscellaneous (e).	11 12 21	17	26 46	72	\$ 131 \$ 40 171
Algoma Central and Hudson Bay.	4500-12-0	13	· 03 00 44	20	\$ 70
Edmonton, ton, Dunvegan and British Columbia	10 60 50 10 10 65	75	4,346 5,943 7,042 6,028	23,359	\$ 4,100 9,227 1,705 \$15.032
Great Northern (d).	201 201 301 301	63	200 4650 70	260	\$ 7 7 8 8 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9
Grand Trunk.	45.2	09	254 12 606 86	958	\$ 109 1,078 1,400 \$ 2,717
Grand Trunk Pacific.	4.4 4.4	89	126 62 1 142	331	\$ 365 664
Canadian Northern (Eastern Lines) (c).	152 83 88 160 1111	271	4,881 7,505 3,945 318	16,649	\$ 7,597 14,310 77 15,888 \$37,872
Canadian Northern (Western Lines).	21 32 8 8 40	62	212 715 1,758 1,899	4,584	\$ 652 2,150 2,090 635 \$ 5,527
Canadian Pacific (Eastern Lines) (b)	27 103 8 27 111	138	272 171 1,384 377	2,204	\$ 500 625 1,327 \$ 2,713
Kettile Valley.	30	34	4 886.5 4 886.5 4 876.7 4 876.4 4 876.4	7,681	\$ 523 140 \$ 671
Canadian Pacific (Western Lines) (a)	70 22 22 24 24	96	161 224 310 473	1,168	\$ 410 762 344 \$ 1,516
	A. Rallway Fires.  1. Number by Causes— (a) Locomotives, Class A fires. Locomotives, Class B fires. (b) Employees, Class A fires. Employees, Class A fires. (c) Total of Class A fires. Total of Class A fires.	Total of all railway fires	2. Areas hurned (Acres)— (a) Young forest growth (b) Timber land (c) Slashing or old lunn (d) Other classes of land	(e) Total	3. Value of property destroyed— (b) Standing timber (c) Forest products (d) Other property

SUMMARY of Reports on Fires in Forest Sections, etc.—Concluded.

							10 GE	ORGE		920
15 14 14 14 14 14 14 14 14 14 14 14 14 14	2 1	보이면 또	2.54	62	S 9 8 5 10 5 1	1,795	\$ 297 7,002 7,002	\$ 26,527	50	168
Maneous (e).									. 4	4
Ventral and Hudson Early			pand young	1		-	. :			60
Edmon- Universal and British	F-1	. च	4	10	had = 10	52	21 · ;	51	: :	
Great	^1		63	55	-				: :	5
Trunk.									- 0	30
Crand Trush Pacific.		9 6	0 00	6	211	214	20 E	\$ 5,515	5153	+1/4
(anadian)	1.7		20100	20	63	80	7,002	\$17,380	34.	40
Canadian Northern (Western Lines).	77 6	71- 0	111611	17	922	936			16	2.5
Canadian Parthe (Eastern Lines) (b)		44	m m u	9	- 120 - 120	25		\$ 1,225	37	42
Valley.			- y-1 y-1	2	And 3.1	00			.:	ଚା
Canadian Farring (Western Lines) (a)	-	4	* ******	17	165 25 97 200	487	\$ 265	2, 405	15	43
	B. Known Cateres Other Than Known Caterer Than Caterers and Travelles Campers and Caterers Caterers and Caterers	(b) Settlers, Class A fires Settlers, Class A fires Settlers, Class Is fire (c) Other known causes—	(d) Total of Class A fires.  (d) Total of Class B fires  Total of Class B fires	Total of all known causes	(a) Young forest growth	(o. Total	3. Value of property destroyed— (b) Standing timber	(a) Unner property (e) Total	C. FIRES OF UNKNOWN ORIGIN.  1. Namber— (a) Total of Class A fires (b) Total of Class B fires	(c) Total of all unknown fires

C	EC	01	01	LAT	DA	DED	NI.a	20c
		001	(1)	JAL	PA	PER	NO	2UC

SESSION	AL	PAPER No	. 20	)c						
173 791 3,371 842	5,177	\$ 1,452 4,546 197 1,814	\$ 8,009		468 676	1,144	10,619 16,092 19,543 18,337	64, 591	\$ 15,497 33,022 10,936 42,961	\$102,416
10 A	6				16	21	31	81	\$ 131 40	\$ 171
63.63	4				10	17	2 cc 9 4 4 6	55	\$ 70	\$ 145
		,			111	80	4,347 5,943 7,042 6,079	23,411	\$ 4,102 9,227 1,705	\$15,034
					338	70	50 435 70	260	\$ 7 100 380	\$ . 487
11	9	ro	69 70		13	63	255 12 611 86	964	\$ 114 130 1,078 1,400	\$ 2,722
90	91				39	81	126 65 302 143	636	\$ 365 679 5,500	\$ 6,544
33 162 700	945	\$ 277 96 143 864	\$ 1,380		178	331	4,948 7,538 . 4,170 1,018	17,674	\$ 7,904 14,406 7,222 27,100	\$56,632
182 182 4	243	\$ 150 3,350 9	\$ 3,509		44	101	262 897 1,779 2,825	5,763	\$ 802 5,500 2,099 635	\$ 9,036
22 76 1,096 102	1,296	\$ 20 850	\$ 1,220		33	186	294 247 2,480 504	3,525	\$ 520 1,475 2,902	\$ 5,158
	2				గా క్రి	80	588 537 6,857	7,686	\$ 8 523 140	\$ 671
50 500 2,003 28	2,581	\$ 1,000 250 45 600	\$ 1,895		95	156	376 749 2,410 701	4,236	\$ 1,675 1,012 45 3,084	\$ 5,816
Areas burned (Acres)—  a) Young forest growth  b) Timber land c) Slashing or old burn  d) Other classes of land	e) Total	Value of property destroyed—  a) Young forest growth.  B) Standing timber.  c) Forest products.  d) Other property.	e) Total	GRAND TOTALS FOR ALL CAUSES.	Number— (a) Total of all Class A fires (b) Total of all Class B fires	(c) Total of all fires reported	Areas burned (Acres)— (b) Young forest growth. (c) Timber land. (c) Slashing or old burn. (d) Other classes of land.	(e) Total	Value of property destroyed— (a) Young forest growth. (b) Standing timber (c) Forest products. (d) Other property.	(e) Total

A.

:5

Includes Esquimalt and Nanaimo Railway.

Includes Dominion Atlantic Railway.

Includes Halifav and South Western Railway—approximately two-thirds of the fires charged to Canadian Northern (Eastern Lines) occurred on this line. Includes Victoria and Sidney. 3,50 (p)

Includes following lines:—Algoma Eastern; Atlantic, Quebec and Western and Quebec Oriental; Boston and Maine; Cumberland Railway and Coal Company; No fires were reported during 1918 as originating within 300 feet of track along the following lines; Maine Central: Ottawa and New York; Quebec, Montreal Temiscouata; White Pass and Yukon. NOTE.

Class A fires are those which cover an area of less than one-fourth acre. Class B fires are those which cover an area of one-fourth acre or more. and Southern; Western Power Company of Canada.

#### RIGHT OF WAY CLEARING.

The continued shortage of labour, coupled with the necessity of railway employees carrying our essential work, such as maintenance of track, etc., resulted in much less right of way clearing being done than would be the case under normal conditions.

#### FIRE PROTECTIVE APPLIANCES ON LOCOMOTIVES.

Four officers of the Fire Inspection Department (one in New Brunswick, one in Quebec, and two in Ontario) were especially detailed to make inspections of fire protective appliances on locomotives.

Thirteen additional officers were given instructions and made periodical inspections of fire protective appliances on locomotives during 1918.

During the fire season of 1918, extending from April 1 to November 1, officers of the Fire Inspection Department made 1,704 inspections of fire protective appliances on locomotives operating through forested territory. Of this number, 26.5 per cent were found defective. The majority of such defects were of a minor character.

The following table shows the number of locomotives so inspected and the percentage found defective on the following railway lines:—

Railway.	Inspected.	Number Defective.	Per cent Defective.
Canadian Pacific	652	213	32.6
Canadian Northern	450	105	22.8
Chang Irunk	011	54	25.5
Grand Trunk Pacine	0.0	9	10.8
Edmonton, Dunvegan and British Columbia	127	1	. 8
Great Northern	25	17	68.0
Kettle Valley Algoma Central and Hudson Bay	15	8	53.3
Algoma Eastern	3 4	14	41.2
	2.2	15	68 2

The maintenance of fire protective appliances on locomotives in an efficient state is of the utilest importance between April 1 and November 1. The majority of fires occurring annually along railway lines are attributed to sparks thrown from locomotive stacks. During the past season 824 such fires, or 72 per cent of all fires reported, are attributed to sparks from locomotives. Of this number, 454 fires, or 39-7 per cent, hurned over 57,616 acres and did damage estimated at \$67,880.

## LOCOMOTIVE FUEL.

During the season of 1918 the use of oil as locomotive fuel was discontinued in tween Jasper and Fort George on the Grand Trunk Pacific Railway. Oil fuel is still in use on this railway between Prince Rupert and Fort George.

#### FIRE GUARDS

The tre guard requirements, issued under date of April 14, 1917, were adopted and applied as the measures necessary to be taken in connection with the construction and maintenance of fire guards for the year 1918.

The special arrangements made for the conduct of experiments, in specified limited territory, looking toward a reduction in the cost of fire guard construction and maintenance outlined in the last report, were continued.

Subject to specified conditions, authority was granted the several companies conorned to handle the fire guarding of wild lands on the basis of an eight-foot ploughed strip instead of a sixteen-foot ploughed strip, as to:

Canadian Parific R. ilway: (1) All lines in the province of Manitoba; (2) The full wine salidivisions in the Saskatchewan district: Kisby, Colonsay, Bulyea, Indian

Head, Lanigan, Wynyard, Nacklin, Sutherland, Kelfield, Wilkie, Reford, Hardisty, Cut Knife. (3) The following subdivisions in the Alberta district: Alberta Central, Leduc, Coronation, Wgetaskiwin, Lacombe.

Canadian Northern Railway: Alliance, Edmonton, Vermilion, Battleford, Cut Knife, Sturgeon River, Strathcona, Brazeau and Battle River (between Vegreville

Junction and Warden only) subdivisions.

Grand Trunk Pacific Railway: Winnipeg and Rivers, Rivers and Melville, Melville and Watrous, Watrous and Biggar, Biggar and Wainwright, Wainwright and Edmonton, Edmonton and Edson subdivisions.

Edmonton, Dunvegan and British Columbia railway: Between Edmonton and

Mileage 70.0.

It was made clear that this modification of the fire guard requirements was on a purely experimental basis, with a view to determining what modifications, if any, are desirable in connection with the fire-guarding of wild lands in future years.

It was prescribed that the ploughing of the eight-foot strip in question should, so far as possible, be done at the outer edge of the sixteen-foot guard, to avoid the breaking of new ground, with consequent increase in the weed nuisance. Every effort was to be made in burning between the eight-foot ploughed strip and the track, to dispose of

dead weeds and grass on the remaining portions of the old guard.

Reports are required to be submitted to the Chief Fire Inspector, relative to each fire which occurs prior to June 1, 1919, in wild lands on any of the subdivisions in question. Such reports are to be submitted as the fires occur, and to contain the information called for by the Board's circular No. 133, and, in addition, in each case, a statement as to the width of ploughed strip, its distance from the track, whether fire-jumped the guard, and any other information available, bearing on the efficiency of the fire-guarding arrangements at the point in question.

Statements are also to be submitted, in duplicate, when the ploughing of such guards is completed, showing the location by subdivisions, mileages, and side of track, of all eight-foot guards ploughed in wild lands; these statements to indicate also the

date when the guard was ploughed.

Following the issuance of the above, the Canadian Pacific railway made application requesting that the territory, on which the option of ploughing eight-foot fire guards was granted, be enlarged, also that such option be extended to include fenced grazing lands. This necessitated a detailed examination of such territory in the field, and on the basis of reports and recommendations received, the company were granted further authority, subject to specified conditions, to handle the fire-guarding of wild lands and fenced grazing lands, on the basis of an eight-foot ploughed strip instead of a sixteen-foot ploughed strip, as to the Empress, Red Deer and Kerrobert subdivisions, and as to portions of the Indian Head, Brooks, Swift Current, Langdon, Laggan and Outlook subdivisions.

#### FIRE GUARD STATISTICS.

There were 14,237-90 track miles of railway lines in the three Prairie Provinces during 1918 subject to the fire guard requirements, an increase of 49.77 miles over 1917. This is equivalent to 28,475.80 fire guard miles, since fire guards are required to be maintained on both sides of a railway line.

The annual summary of the guard construction and maintenance attached hereto s., ws that 10,142-54 miles of fire guards were constructed or maintained during the past year, and 18,333.26 miles for various reasons were not constructed. Of this, there was exempted by this department 8.433-15 miles; owner of land refused to allow construction, 26.28 miles; land already ploughed, 2,779.04 miles; grain stubble and cultivated hay lands not fire guarded by owner, 4,905.16 miles. Thus, as to a total of 16,143.66 miles of fire guards not constructed the reasons assigned by the companies were considered acceptable, leaving 2,189.60 miles unaccounted for, but which presumably should have been fire guarded.

SUMMENT of Fire Guard Construction and Maintenance by Railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1918.

_	Edmon- ton, Dunvegan   and British Columbia	Great Northern.	Grand Trunk Pacific.	Canadian Northern.	Canadian Pacific.	Totals.
Length in track miles Length in fire guard miles <sup>1</sup> Fire guards constructed (shown in fire guard miles)—			2,002·40 4,004·80		$6,412 \cdot 12$ $12,824 \cdot 24$	
<ul> <li>(a) Grain stubble lands (Fireguarded (b) Cultivated hay lands) by owner.</li> <li>(c) Fenced grazing lands.</li> <li>(d) Wild lands.</li> <li>Total miles of fire guards constructed.</li> <li>Fire guards not constructed (shown in</li> </ul>	0·34 1·10 0·45 5·14	192·25 0·50	41·50 431·00 710·40 1,182·90	211·30 544·60 1,473·40	$1,507 \cdot 32$ $15 \cdot 18$ $1,531 \cdot 78$ $2,612 \cdot 07$ $5,666 \cdot 35$	$\begin{array}{c} 2,417\cdot 97 \\ 226\cdot 82 \\ 2,700\cdot 93 \\ 4,796\cdot 82 \\ 10,142\cdot 54 \end{array}$
fire guard miles)— Exemptions <sup>2</sup> .  Owner refuses to allow construction <sup>3</sup> Unnecessary; land already ploughed <sup>4</sup> (a) Grain stubble			1,135·00 275·10	3,964·70 9·90 896·40	$2,552 \cdot 43$ $16 \cdot 38$ $1,605 \cdot 54$	$8,433 \cdot 18$ $26 \cdot 28$ $2,779 \cdot 04$
lands		3.51	1,021·30 9·30 381·20	198 - 30	71.00	4,626·56 278·60 2,189·60
Total miles of fire guards not con- structed	808-46	43 · 51	2,821.90	7,501.50	7,157.89	18,333.26

<sup>&</sup>lt;sup>1</sup> Fire guard mileage is double the track mileage, since the construction of fire guards, is required on

<sup>&</sup>lt;sup>2</sup> Company exempted from fire guard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

Employees of railway company refused permission, by owner, to enter upon land for purpose of con-

Fire guarding unnecessary, because fields already ploughed.

Fire guarding it main stablible and in relativated hay lands required only where the land owner or occupant would undertake to plough guard at the reasonable price specified by the Board.

#### COMPLAINTS re FIRE GUARDS.

Fifteen specific complaints were received during 1918 as follows:— Failure to plough or maintain guards in an efficient state:—	
Canadian Pacific Canadian Northern Grand Trunk Pacific	
Damage to crops and property by fires set:—  Canadian Northern Canadian Pacific	6 4

Respectfully submitted,

CLYDE LEAVITT, Chief Fire Inspector, B.R.C.

## APPENDIX E.

## Appeals.

List of cases appealed to the Supreme Court of Canada, from February 1, 1904, to March 31, 1919.

File No.	Subject.	Decision.
1114	Montreal Terminal Railway vs. Montreal Street Railway, Pius IX Avenue	Allowed.
1492	crossing, Montreal, Que. Question of jurisdiction.  James Bay Railway vs. Grand Trunk Railway crossing. Belt Line spur.  Question of law.	Dismissed.
383	Ottawa Electric Railway and City of Ottawa vs. Canada Atlantic Railway, re Bank Street subway, Ottawa. Question of law.	Dismissed.
121	Toronto Renkway Company from Order of the Board No. 7813, dated July 3, 1909, whigh level bridge over the Don improvement and tracks of the Canadian Parelle Railway and Grand Trank Railway. Toronto.	Dishiissed.
588	Question of jurisdiction.  Re Toronto Union Station. A. R. Williams expropriation. Question of	Dismissed.
(* 1309 689	Robinson vs. Grand Trunk Railway, two cent rate. Question of law.	Dismissed. Dismissed.
(1680	London, Ont. Question of jurisdiction.  [Essex Terminal and Windsor, Essex and Lake Shore Railroad crossing in	Dismissed.
1497	T. D. Robinson vs. Canadian Northern Railway spur at Winning	Dismissed.
9527	Montreal Street Railway re rates Montreal Royal Ward. Question of	Dismissed.
C 4719	Department of Agriculture, province of Ontarious, Grand Trunk Railway	Allowed.
(13322	Re Toronto Viaduct. Appeal by the Canadian Position Political Company	Dismissed.
	L. Conging and mattheman   Only 37 Miles	Dismissed.
(14492	Northern Railway Co., Question of jurisdiction.	Allowed in part.
C 3578	The companies of commutation rates. Question of law	Referred back to Board.
13079	City of Ottawa and County of Carleton, re Richmond Road Viaduct.  Grand Trunk Railway vs. Canadian Northern Ontario Railway. Spur in Township of Scarbory Out. Overlight in the	Dismissed.
(*3269		Dismissed.
1519	Onesting of the Companies of the Compani	Dismissed.
11965	Ouestion of jurisdiction.  Niagara, St. Catharines and Toronto Railway vs. Davy. Question of jurisdiction.	Dismissed.
9527	jurisdiction.  Jurisdiction.  Jurisdiction.	Allowed.
1558	Mount Royal Ward Ouestion of jurisdiction	Allowed.
10000	Trunk Pacific Railway Company and the Clause P. Grand	
17963		Allowed. Dismissed.
(*3269	Question of jurisdiction.  (anadian Pacific Railway vs. A. E. Purcell of Saskatoon, Sask.	Dismissed.
, 9203	Question of jurisdiction	Dismissed.
20062	Companies is. Canadian Oil	Dismissed.
1	Lactore Dellace	Dismissed.
1-	pany. Question of jurisdiction	
		Allowed.

LIST of cases appealed to the Supreme Court of Canada, etc.—Concluded.

File No.	. Subject.	Decision;
18578	Canadian Northern Railway Company vs William A. Taylor. Question	
19435	of jurisdiction	Dismissed.
14329 · 9	of law	Dismissed
23009	Jacques Cartier and Maisonneuve Railway. Question of jurisdiction. City of Hamilton vs Toronto, Hamilton and Buffalo Railway. Question	Allowed.
21428		Allowed.
12021 #70	of law  Toronto Railway Company and City of Toronto and Canadian Pacific	Dismissed.
$9437 \cdot 153$	Railway Company. Questions of law and jurisdiction	Dismissed.
C 3935 16171	City of Edmonton vs. Calgary and Edmonton Railway. Question of law Ingersoll Telephone Company (and other independent Telephone Com-	
27524	panies vs. Bell Telephone Company. Question of law	Dismissed.
13622	26387, July 26, 1917. Question of jurisdiction and of law	
27840	tion of law involved in matter of General Order No. 162	Not prosecuted.
	Winnipeg, re 15 per cent increase in freight rates. Question of jurisdiction.	
26981	diction.  Canadian Pacific Railway vs. Department of Public Works, Ontario, re highway crossing in Tp. of Kirkpatrick, Ont. Question of law	Withdrawn.
11118	Esquimalt and Nanaimo Railway re rights of the city of Victoria to have access over the bridge at Victoria Harbour. Question of jurisdiction.	
28439	Municipality of Burnaby, B.C. vs. British Columbia Electric Railway, re	Pending.
28950	City of Toronto vs. Toronto Terminals Railway, re pressure pipe under	
C 3378	Application of Mr. Wagenest for a stated case for the Supreme Court of	Pending.
C 2987	Ottawa Electric Railway against Order of the Board disallowing proposed	
	increase in passenger rates. Question of jurisdiction	Pending.

List of cases appealed to the Governor in Council, from February 1, 1904, to March 31, 1919.

File No.	Subject.	Decision
499 1455	Bay of Quinte Railway Crossing, Canadian Pacific Railway at Tweed, Ont	Dismissed.
1781 12992	Ont. Grand Trunk Railway vs. city of Chatham, Ont., streets crossing. Maniwaki Branch of the Canadian Pacific Railway train service from	Dismissed. Dismissed. Referred back.
2030 17716	Ottawa Re tariffs of certain Yukon Railways. Canadian Pacific Railway Longue Pointe spur through town of Maison- neuve, Que	Dismissed.
18787 3452 · 30 12912	South Hazelton Townsite vs. Grand Trunk Pacific Railway	Allowed. Dismissed.
17040 C 3322 12021 · 70 16177	way. Lambton to Weston Spur and Canadian Pacific Railway Company Toronto Viaduct (ase. City of Toronto, re Toronto North Grade Separation Canadian Pacific Railway vs. Mountain Lumber Manufacturers Associa-	Dismissed.  Not prosecuted.  Dismissed.  Dismissed.
19024	tion re lumber rates.  (Charles Miller of Toronto vs Grand Trunk Pacific Railway, re station at Prince George, E.C.	Withdrawn. Dismissed.
	Canadian Pacific Railway vs Town of Maisonneuve, Que., re highway   City of Montreal vs. Canadian Northern Railway, siding across Stadacona	Dismissed.
21418	and Marlboro Streets, Montreal, Que  (City of Prince George, B.C., re location of Grand Trunk Pacific Railway station between Oak and Ash Streets, Prince George	Dismissed.
21660 26169	Canadian Northern Ontario Railway vs Township of Loghboro, Ont Canadian Pacific and Canadian Northern Railway Companies re inter- switching at Eastern Public Cattle Market, Montreal	Abandoned.
17040 27693	Appeal of the Canadian Pacific Railway re Lambton to Weston spur (2nd Appeal).  [City of Hamilton vs. Grand Trunk Railway re passenger service on Northweston Parch land and Northwesto	Dismissed.
27840	Northern and Northwestern Branch between Hamilton and Burling- ton Beach and town of Burlington, Ont.  Appeal of the Winnipeg Board of Trade against order of the Board author- izing a general increase in freight rates of 15 per cent.	Pending.
28439·3 28230	Town of St. Lambert, Que., against decision of Board dated July 10, 1918, increasing the rates of the Montreal and Southern Counties Railway. Notice of appeal by the city of Hamilton, Ont., against order of the Board	Diemissad
	No. 27843 and Order 27857 re Kinear Yard, Hamilton, Ont	Pending.

#### APPENDIX F.

List of General Orders and Circulars of the Board for the year ending March 31, 1919.

#### GENERAL ORDER No. 215-C.

In the matter of the application of the Oshawa Railway Company for approval of its Standard Freight Tariffs of Maximum Mileage Tolls.

File No. 27840.21

The said standard freight tariff having been filed on the basis permitted by the Board in its General Order No. 213, dated December 26, 1917—

It is ordered: That the Standard Freight Mileage Tariff of the Oshawa Railway Company, C.R.C. No. 15, dated to become effective April 15, 1918, be, and the same is hereby, approved; the said tariff, with a reference to this order, to be published in at least two consecutive weekly issues of the Canada Gazette.

OTTAWA, April 2, 1918.

H. L. DRAYTON,

Chief Commissioner.

#### GENERAL ORDER No. 225.

In the matter of the application of the Canadian Freight Association, on behalf of all railway companies subject to the legislative authority of the Parliament of Canada, under section 340 of the Railway Act, and such other sections as may be applicable thereto, for an order approving the form of bill of lading issued by the Government of the United States of America, for use in respect of all shipments of munitions, war materials, and supplies by or on behalf of the said Government, or any of its contractors; and providing that, notwithstanding the provisions of the General Order of the Board No. 41, dated July 15, 1909, the form herein referred to may be used by all such railway companies in respect to such shipments.

File No. 3678.40.

Upon reading what is filed in support of the application, and its appearing that the said bill of lading is made subject to the conditions of the bill of lading approved by the said General Order No. 41, dated July 15, 1909—

It is ordered: That the form of Bill of Lading issued by the Government of the United States of America, for use in respect of all shipments of munitions, war materials, and supplies by or on behalf of the said Government, or any of its contractors, copies of which are on file with the Board under file No. 3678.40, be, and it is hereby, approved, and that, notwithstanding the provisions of the said General Order No. 41, dated the 15th day of July, 1909, the form herein approved may be used by all such railway companies in respect of the said shipments of munitions, war materials, and supplies.

H. L. DRAYTON, Chief Commissioner.

Ottawa, April 3, 1918.

## GENERAL ORDER No. 226.

In the matter of the General Order of the Board No. 199, dated July 24, 1917, requiring every railway company subject to the legislative authority of the Parliament of Canada to equip its locomotives used in road service, between sunset and sunrise, with headlights which will enable persons with normal vision in the cab of a locomotive, under normal weather conditions, to see a dark object the size of a man for a distance of 1,000 feet or more ahead of the locomotive, such headlight to be maintained in good condition.

File No. 6511.

Upon reading the submissions filed, and the report and recommendation of the Chief Operating Officer of the Board—

It is ordered: That the said General Order No. 199, dated July 24, 1917, be, and it is hereby, amended by striking out the figures "1,000" in the seventh line of paragraph 1 of the Order and substituting therefor the figures "800."

H. L. DRAYTON, Chief Commissioner.

OTTAWA, April 4, 1918.

## GENERAL ORDER No. 227.

In the matter of "The Daylight Saving Act, 1918."

File No. 27921.

Whereas the said Act provides, among other things, that the Board shall have power to advance by one hour the standard time used by railway companies, including Government railways. in Canada for such period as may be prescribed by the Board, and to make such orders as may be necessary for the convenient carrying out of the provisions of the Act, in so far as railway companies may be affected thereby:

And whereas the Governor in Council, by Order in Council No. P.C. 898, dated April 12, 1918, prescribed that the said Act should come into force at two o'clock Sunday morning. April 11, 1918, and remain in force until two o'clock Friday morning, the 31st day of October, 1918:

In pursuance of the powers conferred upon the Board under the said Act, and to obviate confusion with the public which might otherwise result—

It is ordered: That all railway companies, including Government railways, in Canada be, and they are hereby, directed and required to advance by one hour the standard time new observed and used by them in the different zones in which they operate; the said change to become effective on the respective railways and in the said different zones not before twelve o'clock Saturday evening, April 13, and not later than two o'clock Sunday morning, April 14, 1918, and to remain in force and effect until two o'clock on Friday morning, the 31st day of October, 1918.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, April 12, 1918.

## GENERAL ORDER No. 228.

In the matter of "The Daylight Saving Act, 1918," and the General Order of the Board No. 227, dated April 12, 1918.

File No. 27921.

It is ordered that the word "Thursday" be substituted for the word "Friday" where the latter occurs in the recital and operative parts of the order.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, April 16, 1918.

## GENERAL ORDER No. 229.

In the matter of General Order No. 128 dated July 20, 1914, and the application of The Grand Trunk Pacific, the Canadian Pacific, and the Canadian Northern Railway Companies for an extension of time of eighteen months within which to equip their freight cars with safety appliances as required under the said General Order No. 128.

File No. 11654.

Upon hearing the applications at the sittings of the Board held in Ottawa, May 7, 1918, in the presence of counsel for the railway companies and representatives of the Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen, and what was alleged:—

It is ordered: That the railway companies subject to the jurisdiction of the Board, be, and they are hereby, granted an extension of time until the 30th day of September, 1919, within which to make the changes required under the said General Order No. 128, dated April 20, 1914; the railway companies to continue their present practice of filing with the Board monthly reports of the progress made in complying with the requirements of the said Order.

D'ARCY SCOTT,
Assistant Chief Commissioner.

Оттама, Мау 9, 1918.

#### GENERAL ORDER No. 230.

In the matter of the Interswitching of Freight Traffic.

File No. 6713. Case No. 2846.

Under the authority conferred upon it by the Railway Act, the Board hereby rescinds its order No. 4988 (General Order No. 11), dated the 8th day of July, 1908, and doth order and declare as follows:—

1. For the interpretaion, application, and operation of this order,-

(a) "Interswitching" means the movement of freight in cars between the unloading or loading tracks of one carrier, hereinafter called the "terminal carrier," and the point of interchange with another carrier by whom, singly or jointly with a further carrier, the said traffic has been carried from its point of shipment or is to be carried to its destination, hereinafter called, singly or jointly,

the "line carrier," both the terminal carrier and the line carrier which interchanges with the terminal carrier being subject to the jurisdiction of the Board; the sald movement being performed with or without the aid of an intermediate carrier whether subject or not subject to the jurisdiction of the Board, hereinafter called the "intermediary."

(b) The "interchange" means the junction between the terminal carrier and the line carrier, or between the terminal carrier and the intermediary,

nearest to the point of loading or unloading of the car.

#### 2. This order does not apply,—

(a) To tracks used by the terminal carrier for the transfer of freight between cars and its freight warehouse, or for the purpose of transhipment from car to car not to tracks otherwise set apart for its own working purposes,

(b) To joint movements which both begin and end in the same terminal

or group of terminals or adjoining switching districts;

(c) To cars which, having been once properly interswitched for unloading, are recognized for unloading elsewhere within the same terminal or group of terminals.

3. Subject to the provisions of section 14, carriers shall at all times, according to their powers, furnish an interswitching service equal to the service accorded their own traffic at all points where interswitching facilities are, or may hereafter be, provided under the circumstances and at the tolls herein prescribed:

Provided that no terminal carrier or intermediary shall be obliged hereunder to make any movement exceeding the distances herein specified at the tolls herein prescribed, and that the said distances be irrespective of the location of the interchange and of yard limits or boundaries.

The toll of an intermediary subject to the jurisdiction of the Board shall not exceed, irrespective of weight, three dollars per car for any distance within and including three miles, or three dollars and fifty cents per car for any distance exceeding

5. If the traffic is loaded or unloaded upon private sidings connecting with the railway of the terminal carrier, or directly from or into an industry, elevator or yard abutting upon its tracks (commonly known as industrial sidings), or in any public stock yard, the toll of the terminal carrier shall not exceed one cent per 100 pounds for the actual weight thereof, subject to the minimum weight of the line carriers tariff for any distance within and including four miles from the interchange; except that the terminal carrier small be entitled to a minimum charge of three dollars per car heat or traffic included in the seventh, eighth and tenth classes of the Canadian Fragut Classification, and five dollars per carload of all other traffic.

6. The toll of the terminal carrier upon all traffic other than that referred to in section 5, including traffic to or from team tracks, shall not exceed two cents per 100 pounds for the actual weight thereof, subject to the minimum weight of the line carrier's cauff, for any distance within and including four miles from the interci mae, except that the terminal carrier shall be entitled to a minimum charge of

six dollars per car.

7. Not less than the following proportions of the tolls herein prescribed shall be absorbed in the rate of the line carrier and the remainder shall be an addition

<sup>(</sup>a) One-half of the tolls charged by the terminal carrier under section 5 - qualified by section 9.

- (b) Of the tolls prescribed in section 6 one-half of the tolls permitted under section 5, as qualified by section 9, as if the movement were to or from private sidings.
- (c) One-half of the herein prescribed or lower tolls of each intermediary, if any, whether subject or not subject to the jurisdiction of the Board.

Provided that the line carrier may, unless its tariff rate is lower, charge and collect twelve dollars per car for its haul between the interchange and the point of shipment or destination when by reason of such absorption its line charges would otherwise be less than that amount.

- 8. The appropriate tolls hereinbefore prescribed shall not be exceeded for the distances herein specified, in each direction for the movement from and the return to the line carrier of so-called off-line transit traffic, and the line carrier shall be subject to the absorption provisions of section 7 only when its through rates are the sum of its published rates to and from the stop-over point.
- 9. If an extra car, commonly known as an idler, is used solely to take care of an overhang of long articles loaded on an open car, it shall be charged by the terminal carrier not more than two-thirds of the herein prescribed appropriate toll for the minimum weight of the line carrier's tariff, except that the terminal carrier shall be entitled to a minimum charge of three dollars per car. If interposed between two cars in the same shipment to protect an overhang from each the idler shall be charged for once only.
- 10. No charge shall be made for the accessory interswitching of the empty car. If the car is loaded in both directions the interswitching toll shall be charged for each movement.
- 11. Subject to the provisions of section 14, nothing herein contained shall prevent the line carrier from absorbing the entire toll or tolls charged for interswitching competitive traffic, provided that the traffic and movements so treated are clearly defined in its tariffs.
- 12. Traffic to or from the United States shall be subject to the provisions of this order at the point of shipment or destination in Canada.
- 13. If an exceptional rate is published to apply to or from the tracks of the carrier line only, the ordinary rate which includes the right of interswitching shall be plainly indicated in the same schedule, and the latter rate shall not exceed the former by more than the appropriate toll herein prescribed for the interswitching service.
- 14. Except as hereinafter provided, the tolls herein prescribed shall not apply to deprive the initial carrier of the line haul by a reasonable route of traffic loaded or to be loaded on its railway, including sidings connecting therewith, provided it furnishes at the destination, itself or through its connections or by interswitching, the same delivery and facilities as the competing carrier at no greater charge.

If a car is expressly ordered by the shipper to be interswitched to another railway, notwithstanding that the initial carrier can furnish the services as above provided, the said initial carrier may, in lieu of the tolls otherwise prescribed herein, charge and collect its ordinary published tariff rate to the interchange, which rate shall be an additional charge against the shipment.

Provided however, that if the said initial carrier fail or neglect to furnish the shipper with a car within forty-eight hours after it has been requested, or should through movement by the route of the initial carrier be embargoed, the shipper may require the initial carrier to accept and place, and the said carrier shall so accept and place, an empty car of any other carrier, in which case the movement of the empty car in and the loaded car out shall be effected under the provisions of sections 10 and 5 or 6, as the case may be.

The schedule to give effect to this order shall be published and filed to come into force on the first day of July, 1918.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, May 17, 1918.

## GENERAL ORDER No. 231.

In the matter of section 246 of the Railway Act, as amended by chapter 37 of the Acts 7-8 George V. section 4, for the carrying of wires and cables along or across the tracks of railway companies under the jurisdiction of the Board.

Case No. 4704.

Upon the report and recommendation of the Electrical Engineer of the Board. It is ordered:

1. That the conditions and specifications set forth in the schedule hereto annexed, under the heading, "Rules for wires erected along or across railways," be, and the same are hereby, adopted and confirmed as the conditions and specifications applicable to the erection, placing, or maintaining of electric lines, wires, or cables along or across all railways subject to the jurisdiction of the Board, part 1 being applicable where the line or lines, wire or wires, cable or cables, is or are carried along or over the railway; part 2 being applicable where the line or lines, wire or wires, cable or cables, is or are carried under the railway.

2. That any order of the Board granting leave to erect, place or maintain any line or lines, wire or wires, cable or cables, along or across the railway and referring to "Rules for wires erected along or across railways," shall be deemed as intended to be a reference to the conditions and specifications set out in that part of the said

schedule which is applicable to the mode of crossing authorized.

3. That any order of the Board granting leave to erect, place, or maintain any line or lines, wire or wires, cable or cables, along or across any railway subject to the jurisdiction of the Board, shall, unless otherwise expressed, be deemed to be an order for leave to erect, place and maintain the same according to the conditions and specifications set out in that part of the said schedule applicable thereto, which conditions and specifications shall be considered as embodied in any such order without specific reference thereto, subject, however, to such change or variation therein or thereof as shall be expressed in such order.

4. That the general order of the Board No. 113, dated November 5, 1913, approving of "Rules for wires crossing railways," and the conditions and specifications adopted

thereby, be, and the same is hereby, rescinded.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, May 6, 1918.

When the interested company's consent cannot be procured and an application · · e Board becomes necessary, sord · . · he secretary of the Board (postage free) with ... god thought comies as a holder or drawing about 8 by 10 inches showing: --

In I who also of the pairs of towers, or the location of the underground conduit in relation to the track; the dimensions of the poles or towers; and the material or materials of which they are made.

- (b) The proposed number of wires, or cables, the distance between them and the track, and the method of attaching the conductors to the insulators.
  - (c) The location of all other wires adjacent or to be crossed, and their supports.
- (d) The maximum potential, in volts, between wires, the potential between wires and the ground, and the maximum current, in amperes, to be transmitted.
  - (e) The kinds and sizes of the wires or conductors in question.
- (f) On circuits of 10,000 volts, or over, the method of protecting the conductors from arcs at the insulators.
- (g) The number of insulators supporting the conductors. (See also "J" in specifications).
- N.B. Place a distinguishing name, number, date and signature upon the drawing. Mark the exact location of the lines or wires upon the drawing, by stating the distance in miles from the nearest railway station—N., E., S. or W.—so that this point can readily be identified.

STANDARD CONDITIONS AND SPECIFICATIONS FOR WIRE CROSSINGS.

#### PART 1.—OVER-CROSSINGS.

#### Conditions.

- 1. The applicant, shall, at its or his own expense, erect and place the lines, wires, cables, or conductors authorized to be placed along or across the said railway, and shall at all times, at its own expense, maintain the same in good order and condition and at the height shown on the drawing, and in accordance with the specifications hereinafter set forth, so that at no time shall any damage be caused to the company owning, operating or using the said railway, or to any person lawfully upon or using the same, and shall use all necessary and proper care and means to prevent any such lines, wires, cables, or conductors from sagging below the said height.
- 2. The applicant shall at all times wholly indemnify the company owning, operating, or using the said railway, of, from, and against all loss, cost, damage and expense to which the said railway company may be put by reason of any damage or injury to persons or property caused by any of the said wires or cables or any works or appliances herein provided for not being erected in all respects in compliance with the terms and provisions of this order, as well as any damage or injury resulting from the imprudence, neglect, or want of skill of the employees or agents of the applicant.
- 3. No work shall at any time be done under the authority of this order in such a manner as to obstruct, delay or in any way interfere with the operation or safety of the trains or traffic of the said railway.
- 4. Where, in affecting any such line or wire construction, it is necessary to erect poles between the tracks of the railway, the applicant, before any work is begun, shall give the railway company owning, operating or using the said railway at least seventy-two hours' prior notice thereof in writing, and the said railway company shall be entitled to appoint an inspector, under whose supervision such work shall be done, and whose wages, at a rate not to exceed three dollars per day, shall be paid by the applicant. When the applicant is a municipality and the work is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.
- 4. (a) It shall not, however, be necessary for the applicant to give prior notice in writing to the railway company as above provided in regard to necessary work to be done in connection with the repair or maintenance of the lines or wires when such work becomes necessary through an unforeseen emergency.
- 5. Where the wires or cables are to be erected at the railway and carried above, below, or parallel with existing wires, either within the span or spans to be constructed

at the railway or within the spans next thereto on either side, such additional precautions shall be taken by the applicant as the Engineer of the Board shall consider necessary.

6. Nothing in these conditions shall prejudice or detract from the right of the company owning, operating, or using the railway to adopt at any time the use of the electric or other motive power, and to place and maintain along, over, upon, or under its right of way, such poles, lines, wires, cables, pipes, conduits, and other fixtures and appliances as may be necessary or proper for such purpose. Liability for the cost of any removal, change in location or construction of the poles, lines, wires, cables, or other fixtures or appliances erected by the applicant along, over or under the tracks of the said railway company, rendered necessary by any of the matters referred to in this paragraph, shall be fixed by the Board on the application of any party interested.

7. Any disputes, arising between the applicant and the said railway company as to the manner in which the said wires or cables are to be erected, placed or maintained, used or repaired, shall be referred to the engineer of the Board, whose decision

shall be final.

s. The wires or cables of the applicant shall be erected, placed and maintained in accordance with the drawing approved by the Board and the specifications following. If the drawing and specifications differ the latter shall govern unless a specific statement to the contrary appears in the Order of the Board.

9. In every case in which the line of a railway company shall be constructed along or under the wires or cables of a telegraph or telephone company, the construction of the telegraph or telephone company shall be made to conform to the foregoing specifications, and any changes necessary to make it so conform shall be made by the telegraph or telephone company at the cost and expense of the railway company.

## Overhead Lines.—Specifications.

A. Labelling of poles.—Poles, towers, or other wire-supporting structures on each side of and adjacent to railway crossings, to be equipped with durable labels showing (a) the name of the company or individual owning or maintaining them, and (b) the maximum voltage between conductors; the characters upon the labels to be easily distinguished from the ground.

B. Separate lines.—Two or more separate lines for the transmission of electrical energy shall not be erected or maintained in the same vertical plane. The word "lines," as here used, to mean the combination of conductors and the latter's supporting poles, or towers and fittings.

C Location of poles, etc.—Poles, towers, or other wire-supporting structures to be located generally a distance from the rail not less than equal to the length of the poles of structures used. Poles, towers, or other wire-supporting structures must under no consideration be placed less than 12 feet from the rail of a main line, or less than 6 feet from the rail of a siding. At loading sidings sufficient space to be left for driveway..

D. Setting and strength of poles.—Poles less than 50 feet in length to be set not less than 6 feet and poles over 50 feet not less than 7 feet in solid ground. Poles with side strains to be reinforced with braces and guy wires. Poles to be at least 7 inches in diameter at the top—mountain cedar poles to be at least 8 inches at the top. In soft ground poles must be set so as to obtain the same amount of rigidity as would be challed by the above specifications for setting poles in solid ground. When the line is located in a sectlement is country where grass or other fires might burn them, wooden poles to be considered. The layer of some satisfactory fire-resisting material, such as

concrete at least two inches thick, extending from the butt of the pole for a distance of at least 5 feet above the level of the ground. Wooden structures to have a safety factor of five.

- E. Setting and strength of other structures.—Towers or other structures to be firmly set upon stone, metal, concrete or pile footings or foundations. Metal and concrete structures to have a safety factor of four.
- F. Length of span.—Span must be as short as possible consistent with the rules of setting and locating of poles and towers.
- G. Fittings of wooden poles for telegraph, telephone, or similar low tension lines.—
  The poles at each side of a railway must be fitted with double cross-arm, dimensions not less than 3 inches by 4 inches, each equipped with 11-inch hardwood pins, nailed in arms, or some stronger support and with suitable insulators; cross arms to be securely fastened to the pole in a gain by not less than a \(\frac{3}{2}\)-inch bolt through the pole; arms carrying more than two wires or carrying cable must be braced by two stiff iron or substantial wood braces fastened to the arms by \(\frac{3}{2}\)-inch or larger bolts, and to the pole by a \(\frac{3}{2}\)-inch or larger bolt.
- H. Fitting of all poles, towers, or other structures.—All wire-supporting structures to be equipped with fittings satisfactory to the Engineer of the Board.
- I. Guards.—Where cross-arms are used, an iron hook guard to be placed on the ends of and securely bolted to each. The hooks shall be placed as to engage the wire in the event of the latters detachment from the insulators.
- J. Insulators.—All wires or conductors for the transmission of electrical energy along or across a railway to be supported by and securely attached to suitable insulators.

Wires or conductors in 10,000-volt (or higher) circuits, to be suported by insulators capable of withstanding tests of two and one-half times the maximum voltage to be employed under operating conditions. An affidavit describing the tests to which the insulators have been subjected and the apparatus employed in the tests shall be supplied by the applicant. The tests upon which reports are required are as follows:—

- Ja. Puncture or rupture test.—The insulators having been immersed in water for a period of seven days, immediately preceding and ending at the time of the test, to be subject for a period of five minutes to a potential of two and one-half (2.5) times the maximum potential of the line upon which they are to be installed.
- Jb. Flash-over test.—State the potentials that were employed to cause arcing or flashing across the surface of the insulator between the conductor and the insulator's point of support when the surface was (1) dry, and (2) wet.
- K. Height of wires (a) Low tension conductors.—The lowest conductor must not be less than 25 feet from top of rail for spans up to 145 feet;  $2\frac{1}{2}$  feet additional clearance of rails or other wires must be given for every 20 feet or fraction thereof additional length of span. The words "low tension," as here used, to mean conductors for telegraph, telephone, and kindred signal work, as well as conductors connected with grounded secondary circuits of transformers below 350 volts.
- Kb. All primary conductors, undergrounded secondaries and railway feeders to be maintained at least 30 feet above the top of rail—except where special provisions are made for trolley wires.
- Kc. High tension conductors, those between which a potential of 10,000 volts or over is employed, to be maintained at least 35 feet above the top of rail.

- L. Clearance.—Safe clearances between all conductors to be maintained at all times. The following distance to be provided wherever possible; at least 3 feet clearance from low tension wires; at least 5 feet between low tension wires, primaries, undergrounded secondaries, and railway feeders employing less than 10,000 volts; at least 10 feet between high tension wires and all other lines.
- M. Guy wires.—Guy wires at railway crossings to be at least as strong as 7-strand No. 16 Stub's or New British standard gauge galvanized steel wire, and to be clearly indicated as guy wire on the drawing accompanying the application. One or more strain insulators to be placed in all guy wires; the lowest strain insulator to be not less than 8 feet above the ground.
- Na. Wires and other conductors.—Where open telephone, telegraph, signal or kindred low-tension wires are strung across a railway this stretch to consist of copper wire, or copper-clad steel wire, not less than No. 13 New British standard gauge 4092-inch in diameter. Wire is to be securely tied to insulars by a tiewire not less than 20 inches in length and of the same diameter as the line wire.
- Nb. Where No. 9 B.W.G., or larger, galvanized iron or steel wire is employed in a circuit, and where there is no danger of deterioration from smoke or other gases, the use of this wire may be continued at the crossing.
- No. Where a number of rubber-covered wires are strung across a railway they may be made up into a cable by being twisted on each other or otherwise held together and the whole securely fastened to the poles.
- Nd. Wires or other conductors for the transmission of electrical energy for purposes other than telegraph, telephone, or kindred low-tension signal work, to be composed of at least seven strands of material having a combined tensile strength equivalent to or greater than No. 4 Brown & Sharp gauge hard-drawn copper wire. These conductors to be maintained above low-tension wires at the crossing, to be free from joints or splices, and to extend at least one full span of line beyond the poles or towers at each side of the railway.
- Ne. Wires or other conductors subject to potentials of 10,000 volts or over to be reinforced by clamps, servings, wrappings, or other protection at the insulators to the satisfaction of the Engineer of the Board.
- Nf. Conductors for other than low tension work to have a factor of safety of two when covered with ice or sleet to a depth of 1 inch and subjected to a wind pressure of 8 pounds per square foot on the ice-covered diameter.
- Ng. All conductors to be dead ended or so fastened to their supporting insulators at each side of the crossing that they cannot slip through their fastenings.
- O. Positions of wires.—Wires or conductors of low potential to be erected and maintained below those of higher potential which may be attached to the same poles or towers.
- P. Trolley wires.—Trolley wires at railway crossings to be provided with a trolley guard so arranged as to keep the trolley wheel or other rolling, sliding or scraping decided in classical contact. The trolley wire, trolley guard and their supports to be maintained at least 22 feet 6 inches above the top of the rails.
- trable.—Cable to be carried on a suspension wire at least equivalent to seven strands of No. 13 Stub's or New British standard gauge galvanized steel wire. When cross-arms are used, suspension wires to be attached to a 3-inch iron or stronger hook, or when fastened to poles to a malleable iron or stronger messenger hanger

bolted through the poles, the cable to be attached to the suspension wire by cable clips not more than 20 inches apart. Rubber insulated cables of less than \( \frac{3}{4}\)-inch in diameter may be carried on a suspension wire of not less than seven strands of No. 16 Stub's or New British standard gauge galvanized steel wire. The word "cable" as here used to mean a number of insulated conductors bound together.

#### PART II .- UNDERGROUND LINES.

#### Conditions.

1. The line or lines, wire or wires, shall be carried along or across the railway in accordance with the approved drawing, and a pipe or pipes, conduit or conduits, cable or cables shall, for the whole width of the right of way adjoining the highway, be laid at the depth called for by, and shall be constructed and maintained in accordance with the specifications hereinafter set forth.

2. All work in connection with the laying and maintaining of each pipe, conduit or cable and the continued supervision of the same shall be performed by, and all costs and expenses thereby incurred be borne and paid by the applicant; but no work shall at any time be done in such a manner as to obstruct, delay or in any way interfere with the operation or safety of the trains, traffic or other work on the said railway.

3. The applicant shall at all times maintain each pipe, conduit or cable in good order and condition, so that at no time shall any damage be caused to the property of the railway company or any of its tracks be obstructed, or the usefulness or safety of the same for railway purposes be impaired, or the full use and enjoyment thereof by the said railway company be in any way interfered with.

4. Before any work of laying, removing, or repairing any pipe, conduit or cable is begun, the applicant shall give to the railway company at least seventy-two hours' prior notice thereof, in writing, accompanied by a plan and profile of the part of the railway to be affected, showing the proposed location of such pipe or conduit and works contemplated in connection therewith, and the said railway company shall be entitled to appoint an inspector to see that the applicant, in performing said work, complies, in all respects, with the terms and conditions of this order, and whose wages, at a rate not exceeding \$3 per day, shall be paid by the applicant. When the applicant is a municipality and the crossing is on a highway under its jurisdiction the wages of the inspector shall be paid by the railway company.

4a. It shall not, however, be necessary for the applicant to give prior notice in writing to the railway company, as above provided, in regard to necessary work to be done in connection with the repair or maintenance of the line when such work becomes necessary through an unforeseen emergency.

5. The applicant shall, at all times, wholly indemnify the company owning, operating, or using the said railway of, from and against all loss, costs, damage and expense to which the said railway company may be put by reason of any damage or injury to person or property caused by any pipe, conduit, or cable, any works or appliances herein, or in the order authorizing the work provided for, not being laid and constructed in all respects in compliance with the terms and provisions of these conditions, or if, when so constructed and laid, not being at all times maintained and kept in good order and condition and in accordance with the terms and provisions of said order, for any order or orders of the Board in relation thereto, as well as any damage or injury resulting from the imprudence, neglect, or want of skill of any of the employees or agents of the applicant.

6. Nothing in these conditions shall prejudice or detract from the right of any company owning or operating or using the said railway to adopt, at any time, the use of the electric or other motive power, and to place and maintain upon, over, and under the said right of way such poles, wires, pipes and other fixtures and appliance as may

be necessary or proper for such purposes. Liability of the cost of any removal, change in location or construction of the pipes, conduits, wires, or cables constructed or laid by the applicant rendered necessary by any of the matters referred to in this paragraph, shall be fixed by the Board on the application of the party interested.

7. Any dispute arising between the applicant and the company owning, using or operating said railway as to the manner in which any pipe or conduit, or any works or appliances herein provided for, are being laid, maintained, renewed, or repaired, shall be referred to the Engineer of the Board, whose decision shall be final and binding on all parties.

## Underground Lines.—Specifications.

AA. Conduit.—Vitrified clay, creosoted wood, metal pipe, armoured cable or fibre conduit may be used.

BB. Depth.—The exeavation to be of sufficient depth to allow the top of the duct to be at least three feet below the bottom of the ties of railway track.

CC. Laying.—The conduit or duct to be laid on a base of 3 inches of concrete, mixed in proportion, 1 of cement, 3 of sand and 5 of broken stone or gravel. Where stone is used, such stone is to be of a size that will permit of its passing through a 1-inch ring. After ducts are laid, the whole to be encased to a thickness of 3 inches on top and sides in concrete mixed in the same proportion as above.

Where the track is on an embankment a pipe may be driven through the latter.

DD. Filling in.—The excavation must be filled in carefully and well tamped on top and side.

EE. Guard.—The excavation must at all times be safely protected by the applicant.

## GENERAL ORDER No. 232.

In the matter of the application of the Canadian Manufacturers' Association for an Order disance in increased carload minimum weights of tan bark, published in Supplement No. 8 to the Canadian Pacific Railway Company's Tariff C.P.C. No. E 3225, and Supplement No. 1 to the Grand Trunk Railway Company's Tariff C.R.C. No. E-3477.

File No. 19475.41.

Upon hearing the application at the sittings of the Board held in Ottawa, November 20, 1917, the Canadian Manufacturers' Association, the Canadian Freight Association, and the Grand Trunk, Canadian Pacific, and the Canadian Northern Railway Companies being represented at the hearing, and what was alleged; and upon reading the further submissions filed,—

It is ordered: That the minimum carload weights of tan bark, when carried in box or stock cars under special commodity tariffs, be as follows, namely:—

For cars not over 30 feet 6 inches in length, inside measurement, 21,000 pounds. For cars over 30 feet 6 inches and not over 34 feet 6 inches in length, inside measurement, 23,000 pounds.

For cars over 34 feet 6 inches and not over 36 feet 6 inches in length, inside measurement, 28,000 pounds.

And it is further ordered that the General Order of the Board No. 221 made herein be, and it is hereby rescinded.

OTTAWA, May 14, 1919.

D'ARCY SCOTT,
Assistant Chief Commissioner.

## GENERAL ORDER No. 233.

In the matter of the General Order of the Board No. 227, dated April 12, 1918, as amended by General Order No. 228, dated April 16, 1918, directing and requiring all Railway Companies including Government Railways in Canada to advance by one hour the standard time now observed and used by them in the different zones in which they operate; the said change to become effective on the respective railways and in the said different zones not before twelve o'clock Saturday evening, April 13, and not later than two o'clock Sunday morning April 14, 1918, and to remain in force and effect until two o'clock on Thursday morning, the 31st day of October, 1918.

File No.27921.

Whereas the Governor in Council by Order in Council dated May 7, 1918, has amended the Order in Council, P.C. 898, dated April 12, 1918, so that the prescribed time during which the Daylight Saving Act, 1918, shall be in force shall be until two o'clock on the morning of Sunday, the 27th day of October, 1918, the day fixed in the United States for returning to the usual time,—

It is ordered: That the said General Order No. 227 dated April 12, 1918, be and it is hereby amended to provide that the prescribed time during which the Daylight Saving Act, 1918, shall be in force shall be until two o'clock, on the morning of Sunday the 27th day of October, 1918, the day fixed in the United States for returning to the usual time as hereinabove recited.

H. L. DRAYTON,

Chief Commissioner.

OTTAWA, May 11, 1918.

#### GENERAL ORDER No. 234.

In the matter of the applications of the United Grain Growers, Limited, the Northwestern Grain Dealers' Association, the Campbell Flour Mills Company, Limited, the Quaker Oats Company, the Cambridge Roller Mills, the Northern Grain Company, et al, for a ruling of the Board in the matter of protection of the old rates on grain shipped prior to March 15th, 1918, to interior mills and elevators with published transit privileges and reshipped after the new rates came into effect;

And in the matter of the General Order of the Board No. 212, dated the

15th day of January, 1918, and Orders-in-Council pertaining thereto.

File No. 8641.3.

Upon reading the applications and what was alleged in support thereof and the written argument filed by counsel for the Canadian Pacific Railway Company in reply—

It is ordered as follows with respect to carriers whose tariffs provide for the

milling, malting, storage or cleaning of western grain in transit:-

1. That with respect to all grain originally shipped prior to March 15, 1918, the said grain or the product thereof reshipped within six months from the stop-over point shall be entitled to the balance of the through rate existing at the time of the original shipment of the grain under the transit tariffs applicable.

2. That with respect to all wheat originally shipped on and after the 15th day of March, 1918, the said wheat or the product thereof reshipped from the stop-over point

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west of Fort William before the 1st day of June, 1918, to destinations west of and including Port Arthur and Armstrong, shall be entitled to the balance of the through rate to the said destinations existing at the time of the original shipment of the wheat

3. That with respect to all grain other than wheat as referred to in section 3 hereof, originally shipped on and after the 15th day of March, 1918, under the transit tariffs applicable thereto, which or the product whereof is reshipped from the stop-over point within six months, the rate to be applied on the said reshipped grain or product may be the balance of the through rate existing from the original point of shipment of the grain to the final destination thereof or of the products at the time of the reshipment from the stop-over point.

4. That the charge for the terminal service at the stop-over point, also the charge for the haul, if any, out of the direct line of transit, in accordance with the tariffs

applicable, shall be additional in each case.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, May 22, 1918.

#### GENERAL ORDER No. 235.

In the matter of the complaint of the Ontario Associated Boards of Trade complaining of insufficient and inadequate facilities furnished by Railway Companies for

File No. 2338.4.

I pon hearing the complaint at the sittings of the Board held in Hamilton, October 22, 1917, in the presence of counsel and representatives for the complainants, the Grand Trunk, the Canadian Pacific and the Canadian Northern Railway Companies and the Michigan Central Railroad Company, the evidence offered and what was alleged, and reading the written submissions filed on behalf of the interests affected-

It is ordered. That every railway company subject to the jurisdiction of the Board, be, and it is hereby directed to provide its agents with rubber stamps reading as follows :--

> Unloaded without exception Except as noted

> > Conductor.

Date.....

and to issue a bulletin

(a) requiring agents issuing way-bills for shipments of less than carload freight destined to flag station to place the above stamp thereon;

(3) comiring conductors in charge to unload such freight on the platform at the dag station after the train has been brought to a full stop, and wherever shelters have been provided, to place such freight therein, and to certify, as above, on the way-bill;

(c) requiring conductors who have unloaded freight at flag stations to deliver the way-bill therefor at the first agency station reached by the train after the

unloading of such freight;

it is satisfying such conductors that they will be held responsible for the proper carrying out of the requirements set forth in this Order and as covered by the said bulletin;

(e) requiring the agent at the first agency station reached by the train after the unloading of the freight, as in this Order provided, to notify the consignee of the arrival of such freight by postal notice mailed within 24 hours after receiving the way-bill from the conductor.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, May 22, 1918.

# GENERAL ORDER No. 236.

In the mater of the application of the Trainmen's Association of Canada, for the Revision of Order No. 5888 dated December 16, 1908, making provision for the protection of railway employees.

File No. 1750.

Upon hearing this application, and upon the reports of the Chief Operating Officer and the Chief Engineer of the Board,—

It is ordered as follows:—

1. Whereas subsection 3 of section 264 of the Railway Act provides that-

"There shall also be such a number of cars in every train equipped with power or train brakes that the engineer of the locomotive drawing such train can control its speed, or bring the train to a stop in the quickest and best manner possible, without requiring brakemen to use the common hand brake for the purpose."

Therefore, at least eighty-five per cent (85%) of the number of cars in every train shall be equipped as above required.

2. When more than one engine is attached to a train, the engineer of the leading

engine shall operate the brakes.

3. No light engine, nor two or more light engines coupled, when the movement is either on a single track or against the current of traffic on a double track, shall be run at a greater distance than twenty-five miles in any one direction without a conductor appointed for service as such and possessed of the qualifications set out in paragraph (b) of section 5 of this order.

4. No railway company shall permit any employee to engage in the operation of trains, or handle train orders, without first requiring such employee to pass an examination on train rules and undergo a satisfactory eye and ear test by a com-

petent examiner.

- 5. (a) Locomotive engineers must be at least twenty-one years of age; undergo a satisfactory eye and ear test by a competent examiner, and pass an examination on train rules and regulations and the proper care and operation of locomotives and air brakes.
- (b) Conductors must be at least twenty-one years of age; undergo a satisfactory eye and ear test, and pass an examination on train rules and regulations and the operation of air brakes.
- (c) Telegraph or telephone operators engaging in the operation of trains or handling train orders must be at least eighteen years of age; write a legible hand, and pass an examination on train rules and regulations. Telegraph operators must be able to send and receive messages at the rate of not less than twenty words a minute.
- (d) Train despatchers must be at least twenty-one years of age, be familiar with the line over which they have charge, and pass an examination on train rules and regulations.

( . Railway companies shall (within minety days from the date of this order) ale with the Board a copy of each examination paper for the examinations herein

required to be passed by the employees of such railway company.

6. All railway companies shall strictly conform to the rules and regulations from time to time approved by the Master Car Builders' Association, governing the loadmy of lumber, logs and stone upon open cars, and the loading and carrying of structural material, plates, rails and girders; and no material of any kind shall be carried on the roofs of cars.

7. (a) All open drains crossing tracks in railway yards shall be safely covered tor at least five feet form the gauge side of each rail, except in times of flood, when

temporary open drains may be provided if necessary.

(b) No semaphores, signals, poles, high or intermediate switchstands, or piles of material, erected or placed in future, shall be nearer than six feet from the gauge side of the nearest rail.

(a) No structure, except mail cranes, which shall be erected and maintained as directed by Order of the Board No. 5647, dated November 20, 1908, over four feet high shall bereafter be placed within six feet from the gauge side of the nearest rail with-

out first obtaining the approval of the Board.

d) Water stand-pipes shall not be nearer than two feet and six inches from the widest engine val, and the spout of the stand-pipe shall, when not in use, be fastened parallel with main track, and enginemen are required to see that this is done after using any such pipe.

S. Every person or company offending against any of the foregoing provisions

shall forfeit and pay the sum of fifty dollars (\$50.00) for every such offence.

2. Orders Nos. 6888 and 12225 (General Orders Nos. 22 and 65), dated respecthey the come 10, 1908, and November 9, 1910, made herein are hereby rescinded.

> H. L. DRAYTON, Chief Commissioner.

OTTAWA, May 20, 1918.

## GENERAL ORDER No. 237.

In the matter of Circular No. 165, dated April 19, 1918, with reference to accidents to railway employees where two main tracks parallel each other.

File No. 28433.

Upon reading the submissions filed on behalf of the Railway Companies, and upon the report and recommendation of the Chief Operating Officer of the Board:

It is ordered: That all Railway Companies subject to the jurisdiction of the B and, be, and they are hereby, required to adopt the following rule for the protection of employees where two main line tracks parallel each other and are less than twenty for from centre to centre, namely:

"Where two main tracks parallel each other and are less than twenty feet from centre to centre, whether such tracks are for double or single track operations, employees in every instance, when stepping out of the way of approaching trains, must move to the right of way and not to the other track".

> H. L. DRAYTON, Chief Commissioner.

OTTAWA, May 31, 1919.

## GENERAL ORDER No. 238.

In the matter of the General Order of the Board No. 235, dated May 22, 1918, and the application by the Canadian Northern Railway Company to amend said order.

File No. 2338.4.

Upon reading what is filed in support of the application,-

It is ordered: That said General Order No. 235 be, and it is hereby, amended by striking out the words "to place such freight therein" after the word "provided" in the fourth line of paragraph (b) of the order and substituting therefor the words "to place therein all such freight as would be liable to damage from the weather or exposure."

H. L. DRAYTON,

Chief Commissioner.

Оттама, Мау 31, 1919.

## GENERAL ORDER No. 239.

In the matter of the General Order of the Board No. 230, dated May 17 1918, in the matter of the interswitching of freight traffic.

Case No. 2846.

Upon reading what is filed on behalf of the Canadian Manufacturers' Association,—

It is ordered: That the effective date of the schedules to give effect to the said General Order No. 230 be, and it is hereby, postponed from the first day of July, 1918, to the first day of August, 1918.

H. L. DRAYTON.

Chief Commissioner.

OTTAWA, June 19, 1918.

#### GENERAL ORDER No. 240...

In the matter of the application of the Canadian Pacific Railway Company, hereinafter called the "Applicant Company," for an order amending Clause 20 of the General Order of the Board No. 94, dated July 24, 1912, prescribing "uniform rules governing the determination of visual acuity, colour perception, and hearing of railway employees on steam railways" so as to read "minimum" instead of "maximum standard specified."

File No. 1750.17.

Upon hearing the application at the sittings of the Board held in Montreal, June 10, 1918, in the presence of counsel for the applicant company, the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen being represented at the hearing, and what was alleged,—

It is ordered: That the said General Order No. 94, dated July 24, 1912, be, and it is hereby, amended by striking out the words "maximum standard specified" in clause 20 of the rules thereunder approved and inserting in lieu thereof the words "the minimum standard of vision."

H. L. DRAYTON,

Chief Commissioner.

OTTAWA, June 21, 1918.

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# GENERAL ORDER No. 241.

In the matter of the westbound transcontinental freight rates, and the powers conferred upon the Board under Section 323 of the Railway Act.

File No. 28678.

Winereas the westbound manscontinental freight rates on specific commodities from eastern Canada to desting ions in British Columbia, recognized as Pacific Coast terminals, have been in the past and are now lower than the regular scale of rates under the Canadan Freight Classification, and the said commodity rates were definitely related to the rates on the same or similar commodities shipped from the eastern same of the Union to Pacific Coast points, including those in British Columbia, until March 15, 1918, when the last mentioned rates were increased without corresponding increases from eastern Canada;

And wile case the Director General of the United States Railroad Administration has ordered the United States carriers to increase the rates which were in effect from the content States immediately before June 25, 1918, by twenty-five per cent, effective from that date, and her asset of the competitive character of the traffic, it is expedient

to continue at least the equilibrium existing before March 15, 1918,-

It is ordered: That the callway companies in Canada engaged in the said westhouse transcribing the formula traile be, and they are hereby, permitted to increase the present so-called commodity rates from eastern Canada so as to place them on at least an equality with the rates new in effect from the neighbouring states of the Uning and that the rates so increased be permitted to become effective not earlier than the first day of August, 1915, upon not less than five days' notice to the Board and to the shipping public by filing and posting in the manner prescribed in the Railway Act.

H. L. DRAYTON,

Chief Commissioner.

OTTAWA, July 29, 1918.

#### GENERAL ORDER No. 242.

In the small. At the application of the Dominion Bridge Company, Limited, of Montreal, Quebec, hereinafter called the "Applicant Company", for a ruling on the following question:

Should an idler car used to take care of an overhang from a car loaded with articles
taking a commodity rate with a greater than classification minimum weight be
cirrer translatinds of the minimum weight of the commodity tariff or of the
classification?

File No. 28483.

Upon hearing the application at the sittings of the Board held in Montreal, June 10, 1918, the applicant company, the Canadian Freight Association, and the Grend Trunk and Canadian Pacific Railway Companies being represented at the learing, and shat was alleged; and upon the report and recommendation of the Chief Te file Officer of the Board

It is ord . It That the authority be and it is hereby given for a change in R le 1 100 of the Canadian Freight Classification No. 16, so as to provide that the

minimum weight for the first car in a series of platform cars (the longest car in the series to be considered the first car) carrying articles too long for one such car be that provided for in the appropriate tariff covering such articles, and two-thirds of the said minimum for each additional car over which the load extends.

And it is declared that the lawful charge for each additional car, used as herein described prior to the effective date of the amendment herein authorized, was and is two-thirds of the minimum weight provided for in the Canadian Freight Classification for the articles so carried, unless specifically excepted from the provisions of the said Classification in the tariff applicable.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, June 28, 1918. . .

#### GENERAL ORDER No. 243.

In the matter of the General Order of the Board No. 230 dated May 17, 1918, in the matter of the interswitching of freight traffic, and General Order No. 239, dated June 19, 1918, postponing the effective date of the said General Order No. 239 until the first day of August, 1918.

Case No. 2846.

Upon reading what is filed by the Canadian Manufacturers' Association and upon its request for further postponement of the effective date of General Order No. 230, and upon reading the protests filed by the Winnipeg Board of Trade and by the Dominion Glass Company—

It is ordered: That the effective date of the said General Order No. 230, dated May 17, 1918, be, and it is hereby, further postponed until the 1st day of October, 1918.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, July 25, 1918.

## GENERAL ORDER No. 244.

In the matter of Section 292 of the Railway Act as amended by Chapter 37 of 7-8
George V, Section 8, General Order No. 39, date July 8, 1909, Circular 110,
dated April 3, 1913, and Supplements thereto numbers 1 and 2 dated respectively April 30, 1918, and June 6, 1918, Circular No. 131, dated March 11,
1914, and Circular No. 161, dated March 8, 1918.

File No. 45.

Upon the report of the Chief Operating Officer to the Board to the effect that railway companies are not fully complying with the requirements of the Act in reporting accidents to the Board, and pointing out the desirability of a uniform practice on the part of railway companies in making returns of accidents, and upon his recommendation.—

It is ordered: That every railway company subject to the legislative authority of the Parliament of Canada be, and it is hereby, required and directed within six days after the head officers of the company have received information of the occurrence upon the railway belonging to it of any accident, attended with personal injury to any person using the railway, or to any employee of the company, or whereby

any 'ridge, culver' yielder, or tunnel on or of the railway has been broken or so damaged as to be impressed or unit for immediate use, give notice thereof to the Board, such notice to be addressed to the Chief Operating Officer of the Board and in a made or hard paper in the forms "A" (relating to highway crossing accidents only) and "B" (relating to accidents other than those occurring at highway crossing a character; such reports to be limited to accidents caused by transportation, that is to say where train movements are involved, and not to apply to a colour output in railway shape or other manufacturing establishments, the property of railway companies.

2. That in the case of derailments, collisions, and highway crossing accidents attended by personal injury, and in the case of any damage to any bridge, culvert, viaduct, or tunnel so as to render the same impassable or unfit for immediate use, the conductors or other employees of every such company shall, at the expense of the company and at the same time they report to the company, send to the Board addressed to its Chief Operating Officer a telegram containing the following informa-

tion:-

(a) Date and place.

(b) Name of railway.

(c) Number and description of train or trains, engine or engines concerned.

(d) Number of passengers, employees or others killed, and injured.

(e) A short and concise statement of the apparent cause of the accident.

(f) Name and title of person sending report.

- 3. That where any such company grants or has granted running rights or the joint use of its line or any portion thereof to another company and the last-named company is concerned in an accident occurring on said joint section required under this order to be reported, both companies shall report to the Board as herein provided.
- 4. That every such railway company place before their conductors or other employees afformed by the order a copy of paragraph (2) of this order directing said conductors or wher employees to comply directly with the requirements of the provision.
- on That the said General Order No. 39, Circular 110 with Supplements Nos. 1 and 9, Circular No. 121, and Circular No. 161 be, and they are hereby, rescinded.

H. L. DRAYTON,

Chief Commissioner.

OTTAWA, July 26, 1918.

REPORT OF THE	COMMISSIONERS 135
SESSIONAL PAPER No. 20c	
· Schedul	
REPORT to the Board of Railway Commiss.  292 of the Railway Act and Gene	ioners for Canada, as required by Section eral Order of the Board No. 244.
1. Date and hour of accident	
2. Train	Conductor. Engine. Engineer.
3. Province	
4. Place of accident	
5. (a) Particulars of accident	
6. Was crossing protected at time of accident and if so in what manner?	
7. Time and date, speed limitation of ten miles an hour established or watchman put on as required by Sec. 275 (Sub-sec. 4) and General Order No. 77	
8. If any previous accident at same place subsequent to 1900, give date, if more than one accident give date of last one only	
9. Remarks covering any other information that the Company thinks should be submitted not covered by the foregoing details	
is correct.	me, or my knowledge, the foregoing return
N.B.—Use only one form for each acinsufficient space here.	cident, attaching plain extension sheets if Signature

Title.....

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. lette	
Perc	
Train	Conductor. Engine. Engineer.
Province.	
Name of person or persons injured of	r
. Age.,	
. l'assenger, employee or others	
. Residence	
. Description of injury	
How accident occurred.  Note.—If injury or damage be to a bridge, culvert, viaduct or tunnel, answer numbers 1, 2, 4, 9 and 10.	

# GENERAL ORDER No. 245.

- is the activated complaints of the Dominion Millers' Association and the Toronto Beauty Train against the increased carload minimum weights on grain and to take effect April 2, 1917;
- 1 or in the reall of the application of the Canadian Railwan War Board for permisin here is the minimum carload weight of flour as fixed by the General Order of the Board No. 186, dated April 4, 1917.

Files Nos. 28192 and 19475.37.

Upon the consent of the Dominion Millers' Association, the Toronto Board of Trade, and the Montreal Board of Trade, on file with the Board—

It is ordered: That Clause 4 of the Consent o

It is ordered: That Clause 4 of the General Order of the Board No. 186, dated April 4, 1917, be, and it is hereby, amended so as to provide that, until further Order

of the Board, the minimum carload weight of flour shall be fifty thousand pounds when loaded in cars of the capacity of 60,000 pounds or 70,000 pounds.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, August 8, 1918.

#### GENERAL ORDER No. 246.

In the matter of the eastbound transcontinental freight rates, and the powers conferred upon the Board under section 323 of the Railway Act;

And in the matter of the application of W. C. Campbell, Secretary, Canadian Freight Association, Winnipeg, on behalf of the railway companies engaged in transcontinental transportation from Pacific Coast terminals in British Columbia to Eastern Canada, for permission to increase their so-called commodity rates on not less than five days' notice.

File No. 28678.

Whereas the eastbound transcontinental freight rates on specific commodities from points in British Columbia recognized as Pacific Coast terminals to destinations in Eastern Canada have been in the past and are now lower than the regular scale of rates under the Canadian Freight Classification, and are related to the rates on like commodities when shipped from the corresponding terminals in the contiguous State of Washington to eastern destinations.

And whereas by order of the Director General of the United States Railroad Administration the United States carriers increased their freight rates, including their said transcontinental rates, from June 25, 1918, by twenty-five per cent, subject to certain modifications with respect to specific commodities, and because of the competitive character of the traffic it is expedient to continue at least the said relationship—

It is ordered: That the railway companies in Canada engaged in eastbound transcontinental traffic be, and they are hereby, permitted to increase their present commodity rates from the said Pacific Coast terminals in British Columbia to destinations in eastern Canada, subject, however, as a maximum to the lowest rates now in effect from the corresponding terminals in the State of Washington on like commodities to corresponding eastern destinations, and that the rates so increased be permitted to become effective not earlier than the ninth day of September, 1918, upon not less than five days' notice to the Board and to the shipping public by filing and posting in the manner prescribed in the Railway Act.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, August 12, 1918.

#### GENERAL ORDER No. 247.

In the matter of the adoption of a standard signal at railway grade crossings protected by watchmen.

File No. 28428.

By Circular No. 156, dated January 15th, 1918, addressed to railway companies subject to the jurisdiction of the Bord the said companies were directed to consider the adoption of a metal disc to be used as a standard at said crossings and to file their comments with the Board within thirty days from the date of the Circular.

Upon reading the replies filed by the railway companies affected, and upon the

report and recommendation of the Chief Operating Officer of the Board.

It is a deposit that the railway companies within the legislative authority of the Parline and of tanada be, and they are kereby, required and directed to adopt and put into use at all grade crustimes protected by watchmen during the daytime a metal disc, sixtees inches in dismater, with a short handle having a white background with the word "Stop" in large black letters and a black border.

That Rain 32 of the General Train and Interiocking Rules which provides that "watchmen supposed at public crossings must use a green signal to prevent persons and vehicles from crossing the track when trains are approaching" be amended to conform

with the standard hereby directed to be adopted.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, August 6, 1918.

#### GENERAL ORDER No. 248.

in the matter of the General Order of the Board No. 188, dated April 23, 1917, arroveing regulations for the Uniform Maintenance of Way Flagging Rules for Impassable Track and General Order No. 216, dated January 24, 1918, further defining "Frequent Service."

And is the matter of the application of the Canadian Railway War Board for an Order amending said Order No. 188 to provide for authority to use the Brennan Signal, so-called, or a device of a similar character in lieu of manual flagging required under said Order.

Files Nos. 4135.25 and 4135.44.

Upon hearing the application at the sittings of the Board held in Ottawa, June 4, 1918. In the presence of counsel for the Canadian Pacific, the Grand Trunk, and the Canadian Northern Railway Companies, and the Michigan Central Railroad Company, the Brothevisods of Locomotive Engineers and Firemen being represented at the hearing, no one appearing for the applicant Railway Board, and what was alleged; and re-ding the written submission filed in support of the application and on behalf of the said Brothevisods of Railwaymen; and upon the report and recommendation of the Chief Operating Officer of the Board—

It is ordered: That the rules approved by said General Order No. 188 be amended as follows, namely: By (a) inserting the word "main" after the word "the" in the first line and hadere the word "track" in the second line of Rule One; (b) striking out the tigure "" lefere "(b)" of Rule 2 (b) and the words "supported on two staffs with flag drawn out letween them, at right angles to the track and five feet above rail level" in lime to a militar said Rule, and substituting the letter "d" for the letter "a" to read "red" in the fourth line, and adding as clause "(d)" to said Rule the following: " It is a most and sunrise and during stormy, forgy, or smoky weather conditions flagmen must be placed instead of the outer signals referred to in clause (b): (c) adding after the figure "9" in the first line of Rule 4 the words and figures "and Rule 3 (d)," and after the word "maint" in the second line of said Rule 4 the words "or working point signed as the case may be," making the clause read "Trains stopped by flagmen, as per Rule 2 and Rule 3 (d), shall be governed by his instructions and proceed to the working point or working point signal, as the case may be, and there be governed by signal or instructions of the foreman in charge"; (d) inserting "(b)" after the figure "3" in the first live and substituting the word "has" for the word "had" in the fourth line of Rule

5; (e) substituting the word "must" for the word "may" in the second line of Rule 6: (f) striking out the words "Frequent service shall mean nine or more trains per diem" on page 4 of the Order, and (g) adding the following regulations after Rule 7 of the Order namely:-

8. "Frequent service" shall mean nine or more trains a day and "fast train service" shall mean a service at a speed of thirty-five miles or more an hour.

- 9. That the Brennan Signal device as approved by the Board, or a signal of an equally serviceable type attached to the base of the rail, to be approved by the Board, be used to display the signals directed to be provided under Rules 3 (b) and 6 (Yellow Signal) of this Order and Rule 35 (Yellow Signal) of the Uniform Code of Operating Rules.
- 10. Flagmen must each be equipped for day-time with a red flag and four torpedoes, and for night-time, and when weather or other conditions obscure day signals, with a red light, a white light, four torpedoes, three red fuses, and a supply of matches.
- 2. That the said General Order No. 216, dated January 24, 1918, be, and it is hereby, rescinded.

H. L. DRAYTON. Chief Commissioner.

OTTAWA, August 19, 1918.

#### GENERAL ORDER No. 249.

In the matter of the application of the undermentioned railway companies for approval of their Standard Freight Tariffs of Maximum Mileage Tolls.

File No. 28678.

The said standard freight tariffs having been filed on the basis prescribed by Order

in Council, P.C. 1863, dated July 27, 1918—

It is ordered: That the following standard freight tariffs of maximum mileage tolls be, and they are hereby, approved; the rate scales of the said tariffs to be published in at least two consecutive weekly issues of the Canada Gazette and preceded by the following notice:-

"The undermentioned standard freight tariffs having been filed for the "approval of the Board of Railway Commissioners for Canada, and being found "by the Board to be in accordance with Order in Council P.C. 1863, dated July "27, 1918, and having been approved by the General Order of the Board No. 249. "dated August 31, 1918, the rate scales thereof are hereby published as required "by section 327 of the Railway Act."

Algoma Central and Hudson Bay Railway	478 223
Atlantic, Quebec and Western Railway C.R.C. No.	26
Boston and Maine Railroad	1908 W-1132
Canadian Northern Railway C.R.C. No.	E-1102 W-2392
Canadian Facine Kallway	E-3543
Central Vermont Railway ('R.C. No.	1295

	10 GI	EORGE	V, A. 1920
Edmonton, Dunvegan & British Columbia Railway	C.R.C. C.R.C. C.R.C. C.R.C. C.R.C. C.R.C.	No. No. No. No. No.	576 86 484 402 93 E-3957 298
Manitoba, Great Northern Railway Brandon, Saskatchewan and Hudson Bay Railway Crows Nest Southern Railway New Westminster Southern Railway Nelson and Fort Sheppard Railway	C.R.C C.R.C	. No. . No.	1424 1425 1423
Vancouver, Victoria and Eastern Rail-}	0.10,0	. INO.	1490
Victoria and Sydney Railway. Halifax and South Western Railway. Ketale Valley Railway. Wishing Central Railroad.	C.R.C C.R.C	. No. . No.	V-54 F-64 174 C-1566
Michigan Central Railroad.  Napierville Junction Railway.  New York Central Railroad.  New York Central Railroad.	C.R.C C.R.C C.R.C	. No No No.	2812 198 1650 1681
Père Marquette Railway.  Quebec, Montreal and Southern Railway.  Quebec Oriental Railway.  Temiscouata Railway.  Taronto Hamilton L.R. C. L. R. III	C.R.C C.R.C	. No No No.	2215 661 37 328
Toronto, Hamilton and Buffalo Railway	C.R.C	No.	1227

D'ARCY SCOTT,
Assistant Chief Commissioner.

OTTAWA, August 31, 1918.

## GENERAL ORDER No. 250.

A matter of the General Order of the Board No. 230, dated May 17, 1918, in the matter of the interswitching of freight traffic, and the General Order of the Board No. 243, July 35, 1818, postponing the effective date of the said General Order No. 230 until the first day of October, 1918.

Case No. 2846.

t . me that for further postpont ment of the effective date of General Order No. 230—

It is ordered: That the effective date of the said General Order No. 230, dated May 17, 1918, be, and it is hereby, further postponed until the first day of November, 1918.

H. L. DRAYTON,
Chief Commissioner.

Ottawa, September 16, 1918.

#### GENERAL ORDER No. 251.

In the motter of the General Order of the Board No. 244 dated July 26, 1918, requiring and directing inter alia every railway company subject to the legislative authority of the Parliament of Canada to give notice to the Board of any accident upon the railway attended with personal injury to any person using the railway or to any employee of the company.

File No. 45.

Upon the report and recommendation of the Chief Operating Officer of the Board-

It is ordered: That the said General Order No. 244, dated July 26, 1918, be, and it is hereby, amended by inserting the words "of personal injuries" after the word "reports" in the 14th line of the first paragraph of the Order; and the words "failure of locomotive boiler or any of its appurtenances" after the word "collisions" in the first line of paragraph (2) of the order.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, October 4, 1918.

#### GENERAL ORDER No. 252.

In the matter of the interswitching of freight traffic.

File No. 6713. Case No. 2846.

Under the authority conferred upon it by the Railway Act, the Board hereby rescinds its General Order No. 230, dated May 17, 1918, the effective date of which was postponed from July 1, 1918, to August 1, 1918, by General Order No. 239, dated June 19, 1918, to October 1, 1918, by General Order No. 243, dated July 25, 1918, and to November 1, 1918, by General Order No. 250, dated September 16, 1918, and doth order and declare as follows:

- 1. For the interpretation, application, and operation of this Order,—
  - (a) "Interswitching" means the movement of freight in cars between the unloading or loading tracks of one carrier, hereinafter called the "terminal carrier", and the point of interchange with another carrier by whom, singly or jointly with a further carrier, the said traffic has been carried from its point of shipment or is to be carried to its destination, hereinafter called, singly or jointly, the "line carrier", both the terminal carrier and the line carrier which interchanges with the terminal carrier being subject to the jurisdiction of the Board; the said movement being performed with or without the aid of an intermediate carrier whether subject or not subject to the jurisdiction of the Board, hereinafter called the "intermediary".

(b) The "interchange" means the junction between the terminal carrier and the line carrier, or between the terminal carrier and the intermediary, nearest to the point of loading or unloading of the car.

2. This order does not apply,-

(a) To tracks used by the terminal carrier for the transfer of freight between cars and its freight warehouse, or for the purpose of transhipments from car to car, nor to tracks otherwise set apart for its own working purposes, except team tracks;

(b) To joint movements which both begin and end in the same terminal

or group of terminals or adjoining switching districts;

(c) To cars which, having been once properly interswitched for unloading, are reconsigned for unloading elsewhere within the same terminal or group of terminals.

5. Subject to the provisions of section 14, carriers shall at all times, according to their powers, furnish an interswitching service equal to the service accorded their man tradic at all points where interswitching facilities are, or may hereafter be, provided, under the circumstances and at the tolls herein prescribed.

Provided that no terminal carrier or intermediary shall be obliged hereunder to make any movement exceeding the distances herein specified at the tolls herein prescribed, and that the said distances be irrespective of the location of the interchange

or of yard limits or boundaries.

4. The toll of an intermediary subject to the jurisdiction of the Board shall not exceed, irrespective of weight, three dollars per car for any distance within and including three miles, or three dollars and lifty cents per car for any distance exceeding three miles to and including four miles.

5. If the traffic is loaded or unloaded upon private sidings connecting with the railway of the terminal carrier, or directly from or into an industry, elevator or yard abutting upon its tracks (commonly known as industrial sidings), or in any public stockyard, the toll of the terminal carrier shall not exceed one cent per 100 pounds for the actual weight thereof, subject to the minimum weight of the line carrier's tariff, for any distance within and including four miles from the interchange; except that the terminal carrier shall be entitled to a minimum charge of three dollars per carload of traffic included in the seventh, eighth and tenth classes of the Canadian Freight Classification, and five dollars per carload of all other traffic.

6. The toll of the terminal carrier upon all traffic other than that referred to in section 5, including traffic to or from team tracks, shall not exceed two cents per 100 paunds for the actual weight thereof, subject to the minimum weight of the ine carrier's tariff, for any distance within and including four miles from the interchance; except that the terminal carrier shall be catilled to a minimum charge of six

dollars per car.

7. Not less than the following proportions of the tolls herein prescribed shall be absorbed in the rate of the line carrier and the remainder shall be an addition thereto:—

(a) One-half of the tolls charged by the terminal carrier under section 5 as qualified by section 9.

(b) Of the tolls prescribed in section 6 one-half of the tolls permitted under section 5, as qualified by section 9, as if the movement were to or from private sidings.

(c) One-half of the herein prescribed or lower tolls of each intermediary, if any, whether subject or not subject to the jurisdiction of the Board.

Provided that the line carrier may, unless its tariff rate is lower, charge and collect twelve dollars per car for its haul between the interchange and the point of shipment or destination when by reason of such absorption its line charges would otherwise be less than that amount.

8. The appropriate tolls hereinbefore prescribed shall not be exceeded, for the distances herein specified, in each direction for the movement from and the return to the line carrier of so-called off-line transit traffic, and the line carrier shall be subject to the absorption provisions of section 7 only when its through rates are the sum of its published rates to and from the stop-over point.

9. If an extra car, commonly known as an idler, is used solely to take care of an overhang of long articles loaded on an open car, it shall be charged by the terminal carrier not more than two-thirds of the herein prescribed appropriate toll for the minimum weight of the line carrier's tariff, except that the terminal carrier shall be entitled to a minimum charge of three dollars per car. If interposed between two cars in the same shipment to protect an overhang from each the idler shall be charged for once only.

10. No charge shall be made for the accessory interswitching of the empty car. If the car is loaded in both directions the interswitching toll shall be charged for

each movement.

11. Subject to the provisions of section 14, nothing herein contained shall prevent the line carrier from absorbing the entire toll or tolls charged for interswitching competitive traffic, provided that the traffic and movements so treated are clearly defined in its tariffs.

12. Traffic to or from the United States shall be subject to the provisions of this

order at the point of shipment or destination in Canada.

13. If an exceptional rate is published to apply to or from the tracks of the carrier line only, the ordinary rate which includes the right of interswitching shall be plainly indicated in the same schedule, and the latter rate shall not exceed the former by more than the appropriate toll herein prescribed for the interswitching service.

14. Should a team track shipper expressly order his shipment to be interswitched to another carrier, notwithstanding that the initial carrier upon whose team tracks the car has been loaded can furnish at the destination thereof, itself or through its connections or by interswitching, the same delivery and facilities as the said other carrier at no greater charge, the said initial carrier may, in lieu of the toll prescribed in section 6, charge and collect its ordinary published rate to the interchange, which rate shall be a lawful additional charge against the shipment;

Provided, however, that this alternative shall not be lawful, and section 6 shall apply, if within forty-eight hours after the shipper has requested it the said initial

carrier fails to place a suitable car reasonably convenient for loading.

15. In view of the services and tolls herein provided for, schedules now in effect authorizing any arrangement or device, such as free or assisted cartage, cartage allowance or the like, intended to equalize the facilities of competing carriers at common points, shall be withdrawn and cancelled within three months from the date of issuance of this order;

Provided that if a carrier deem itself entitled to any such equalization arrangement in a particular case, it may, within six months from the date of issuance of this order, or within six months following the establishment of interchange facilities at any particular point hereafter, apply to the Board for relief.

16. The schedules to give effect to this order shall be published and filed to come

into force on the first day of January, 1919.

H. L. DRAYTON,
Chief Commissioner.

Dated at Ottawa, this 26th day of October, 1918.

# GENERAL ORDER No. 253.

In the matter of the emplaint of the Canadian Manafacturers' Association against the increased carteal minimum weight for crushed stone published by the Grand Trant. Canadian Pacific, and Canadian Northern Railway Companies, effective October 1, 1918.

File No. 28192.7

From nearing the complaint at the sittings of the Board held in Toronto, October 17, 1918, and what was alleged, and its appearing that certain carriers subject to the jurisdletten of the Board have published and filed schedules increasing certain carlead minimum weights to conform to Circular No. 75 of the Canadian Railway War Board, dated at Montreal, August 5th, 1918—

It is ordered: That the said schedules be amended as follows, namely:-

1. To provide that the minimum weight for crushed stone and other building and paying materials, now shown as the marked capacity of the car but not less that force payads, by the marked capacity of the car but not exceeding the actual weight when cars are fully loaded, subject to the said minimum of 60,000 pounds.

2. To provide that no greater weight shall be charged for the said materials than that to which the shipper may be restricted by the carrier by reason of any track

bearing limitations.

3. That the amendments to give effect to this Order come into force not later than November 18, 1918.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, October 29, 1918.

#### GENERAL ORDER No. 254.

In the matter of the complaints of the Dominion Brokers, Limited, Calgary, Alta., Plunkett & Savage, Calgary, Alta., the Armstrong Growers' Association, Armstrong, B.C., and the Okanagan United Growers, Limited, Vernon, B.C., against the requirement of the Canadian Pacific Railway Company that, owing to the shortage of refrigerator cars and heaters, shippers of vegetables in British Columbia furnish stoves or other method of heating lined box cars, equipped with floor racks, in substitution for heated refrigerator cars.

File No. 18855.24.

Upon hearing the matter at Vancouver, B.C., June 6, 1918, Calgary, Alta., June 10, 1318, and Edmonton. Alta., June 11, 1918, and what was alleged, and upon reading the further submissions filed—

It is ordered: That the Canadian Pacific Railway Company, according to its powers and as required by shippers, supply heaters in all cars furnished for the recent of vegetables in carloads, subject to the charges provided for in its published and filed tariff for cars so supplied and furnished;

and it is also ordered that heaters supplied by shippers when the said railway opposes is unable to comply with the provisions of this Order be returned by the said railway company, and by other railway companies subject to the jurisdiction of the Buarri in cases of joint movements, free of charge to the point of shipment of the said vegetables;

1.1 it is further ordered that schedules giving effect to this Order be forthwith published and filed so as to give one day's notice to the Board.

OTTAWA, October 25, 1918.

H. L. DRAYTON, Chief Commissioner.

#### GENERAL ORDER No. 255.

In the matter of the question of more adequate flagging protection on double tracks and the proposed amendment to Rule D.35 of the "General Train and Interlocking Rules" as outlined in the Circular of the Board No. 163, dated April 9, 1918, and submitted for consideration to the Railway Companies.

File No. 4135.38.

Upon reading the replies filed by and on behalf of the railway companies subject to the jurisdiction of the Board, and the written submissions and representations made to the Board on behalf of the Brotherhood of Locomotive Engineers; and upon the report and recommendation of the Chief Operating Officer of the Board,—

It is ordered: That the "General Train and Interlocking Rules," approved by Order of the Board No. 7563, dated July 12, 1909, be, and they are hereby, amended by striking out the first paragraph of Double Track Rule 35 and substituting therefor the following:—

"D. 35. A yellow flag or yellow light placed beside the track on the same side as the engineer of an approaching train, or, where the practice is for trains to run to the left, yellow flag or yellow light placed on the left side of the track, as well as on the same side (between tracks) as the engineer of an approaching train, so that the engineer of the approaching train shall have a clear view of said signal for a distance of at least 1,200 feet,—indicates that the track 3,000 feet distant is in condition for a speed of but six miles an hour, unless otherwise instructed, and the speed of the train will be controlled accordingly. A green flag or a green light placed beside the track on the same side as the engineer of an approaching train, or on the left side of the track, if so operated, at a point beyond the slow track, indicates that full speed may be resumed."

H. L. DRAYTON, Chief Commissioner.

OTTAWA, November 20, 1918.

#### GENERAL ORDER No. 256.

- In the matter of Section 276 of the Railway Act as amended by Section 7 of Chapter 37 of 7-8 George V, repealing Subsection 1 of Section 276 of the said Act, and substituting therefor the following:—
- "Whenever in any city, town, or village, any train not headed by an engine is passing "over or along a highway at rail level which is not adequately protected by "gates or otherwise, the company shall station on that part of the train, which "is then foremost, a person who shall warn persons standing on, or crossing, or "about to cross the track of such railway."
- And in the matter of Rule 102 of the "General Train and Interlocking Rules" paragraphs 1 and 2 of which read as follows:—
- "When cars are pushed by an engine (except when shifting and making up trains in "yards where there are no public highway crossings at rail level) a Flagman "must take a conspicuous position on the front of the leading car.

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· When we is any city, to the or ribbaye, cars are passing over or along a highway at "draw out conder . or caine moving forward in the ordinary manner, a " man must take a conspictions position on the foremost car, or tender, if that "is in front, to warn persons on the highway."

File No. 25434.

Upon the report and recommendation of the Chief Operating Officer of the Board-It is ever on! That paragraphs I and I of said Rule 102 of the "General Train and Interesting Rules" be, and they are hereby, rescinded and the following substituted therefor:-

2017 When cars no meshed by an engine texcept when shifting and making up trains in saids where there are no public highway crossings at rail level, or where there are sublic nighway crossings at rail level adequately protected by gates, ar allogues a blagman must take a conspicuous position on the front of the leading car."

"(2) Whenever in any city, town, or village, cars not headed by an engine are passing over or along a hig way which is not adequately protected by gates, or otherwise, at rail level, a man must take a conspicuous position on the fore-

most car to warn persons on the highway."

H. L. DRAYTON, Chief Commissioner.

OTTAWA, November 20, 1918.

#### GENERAL ORDER No. 257.

In the matter of the appliances of the Canadian Northern Railway System for an Order to amend Rule No. 33 of the "General Train and Interlocking Rules" approved by Order No. 7563, dated July 12, 1909.

File No. 4135.

Up at reading what is filed in support of the application, urging the advantages of standardization for safe and efficient operation of railways; and upon the report and recommendation of the Chief Operating Officer of the Board-

It is ordered: That Rule 33 of the said "General Train and Interlocking Rules"

"10. Watchner, stationed at public road crossings must, by day, display a "standard ment disc and, by night, a green light to warn pedestrians and per-"sons in velicies that a train is approaching. Red signals must be used by them "only when necessary to stop trains."

> H. L. DRAYTON, Chief Commissioner.

OTTAWA, December 6, 1918.

#### GENERAL ORDER No. 258.

- In the matter of Rule 26 of the "General Train and Interlocking Rules" approved by Order of the Board No. 7563, dated July 12, 1909, providing that a blue flag by day and a blue light at night be displayed at one or both ends of an engine, car, or train for the protection of workmen engaged in, under, or around cars on regular repair tracks:
- And in the matter of the question of requiring additional protection of workmen so engaged as contemplated by Circular of the Board No. 150, dated January 29, 1917, and Supplement No. 1 thereto, dated November 2, 1917, as well as Supplement No. 2, dated March 17, 1913, to Circular No. 98, copies of said Circular and Supplements having been served upon the railway companies subject to the jurisdiction of the Board with the request that said companies show cause why the recommendations embodied in such Circular and Supplements should not be adopted and put in practice on their respective railways.

File No. 20847.

Upon reading the answers filed on behalf of the Companies in response to said request, the reports of the Board's Inspectors, and the recommendation of its Chief Operating Officer—

It is ordered as follows:-

- 1. That all railway companies within the legislative authority of the Parliament of Canada, operating by steam, be, and they are hereby, directed to display the blue flag by day and the blue light by night, required by Rule 26 of the "General Train and Interlocking Rules," at a height of five feet above rail level, on a steel frame secured to the rail; the Day signal (flag) to be 22 by 28 inches in size, set at right angles to the track, and located between the switch and the first engine, car, or train occupying the track.
- 2. That all switches leading to regular repair tracks of every such railway company be locked with special locks and keys carried by the foreman in charge of the repair work, or other responsible party, whose duty it shall be to see that employees and workmen, so engaged, are warned and are clear from cars or engines before any switching movement is made on such track; and also that the switches are re-locked after the switching movement is completed.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, November 25, 1918.

#### GENERAL ORDER No. 259.

In the matter of the specifications for railway mail cars and the application by the Canadian Railway Mail Service Branch of the Post Office Department for an Order approving the same.

File No. 3083.

Upon hearing the application at the sittings of the Board held in Ottawa, January 7, 1919, in the presence of Counsel for the Canadian Pacific, the Grand Trunk, and the Canadian Northern Railway Companies, and the Michigan Central and the New York Central Railroad Companies, the Controller of the Canadian Railway Mail Service representing the Post Office Department in person, and what was alleged; and upon reading the representations filed on behalf of the Department and

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the Railway Companies affected; and upon the report and recommendation of the Board's Mochanical Expert, concurred in by its Chief Operating Officer, and its appearing that all interests have agreed to the adoption of the specifications filed as amended-

It is ordered that the "Specifications for Mail Cars", dated Ottawa, May 22, 1915, submitted by the Canadian Railway Mail Service Department, as amended and corrected and on tile with the Board under tile No. 3083 be, and they are hereby, approved and adopted as the standard to be used by railway companies operating in Canada and within the legislative authority of the Parliament of Canada.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, January 13, 1919.

# GENERAL ORDER No. 260.

In the matter of the General Order of the Board No. 203, dated August 11, 1917, approxing the regulations for the transportation by freight of Dangerous Articles other than Explosives as amended by General Orders Nos. 206 and 207, dated respectively September 7 and October 26, 1917, and the application of the Prest-O-Lite Company of Canada, Limited, for an Order amending the regulations approved by said General Order No. 203.

File No. 1717.1

Upon reading what has been submitted in support of the application, and the recommendation of the Chief Traffic Officer of the Board, the Chairman of the Canadian Freight Association consenting for the railway companies, as appears by his letter to the Secretary of the Board, dated January 28, 1919—

It is ordered: That the regulations approved by said General Order No. 203, dated August 11, 1917, be, and they are hereby, amended, by striking out paragraph (i) of Rule 1861 and substituting therefor the following, namely:

"(j) Cylinders containing acetylene gas must be completely filled with " a porous material that has been tested with satisfactory results by the Bureau " of Explosives, and this material must be charged with acetone, or its equi-"valent, not to exceed 40 per cent of the interior volumetric capacity of the "cylinder. The pressure in cylinders containing acetylene gas must not exceed

"250 pounds per square inch at a temperature of 70° F.

"Cylinders containing acetylene gas must not be shipped unless they were "charged by the person or company by or for whom the cylinders were manu-"factured. Provided that they may be charged by a person or company having

"possession of complete information, furnished in writing by the person by or " for whom the cylinders were manufactured, showing the nature of the porous "filling and solvent in the cylinders and the meaning of the test markings.

"solvent indicator markings, and other markings on the cylinder."

H. L. DRAYTON, Chief Commissioner.

OTTAWA, March 17, 1919.

#### GENERAL ORDER No. 261.

In the matter of the General Order of the Board No. 102, dated February 17, 1913, approving "Regulations with respect to Railway Safety-Appliance Standards".

File No. 11654.23.

Whereas reports made to the Board show a large number of accidents—sometimes resulting fatally—to railway employees because of defective coupler attachments used by railway companies;

And whereas the Master Car Builders' Association has approved an equipment dispensing with the use of links, clevises, or chains;

Upon reading what has been filed by the different railway companies affected, and

for the purposes of uniformity and the safety of railway employees—

It is ordered that the "Regulations with respect to railway safety-appliance standards" approved under said General Order No. 102, dated February 17, 1913, be, and they are hereby, amended by adding at the end of the provision under the heading "Uncoupling-Levers" at the top of page 12 of said regulations the following, namely:—

"Cars built after June 1, 1919, must be equipped with coupler operating "lever connected direct with coupler lock or lock lift without the use of links, "clevises, or chains".

H. L. DRAYTON,

Chief Commissioner.

OTTAWA, March 18, 1919.

#### CIRCULAR No. 163.

OTTAWA, April 9, 1918.

Flagging Signals Double Track-Rule 35, General Train and Interlocking Rules.

File 4135.38.

The Board has under consideration the matter of more adequate flagging protection on double tracks and I give you below draft of order which it is proposed to issue in this connection:

"On double track where trains run to the left a yellow flag on two staffs, or a yellow light 5' above rail level placed to the left side of a track as seen by an engineer of an approaching train, with a yellow flag, or a yellow light, as a marker placed on the opposite side of the track to be protected, indicates that the track 3000' distant is in condition for a speed of but 6 miles an hour, unless otherwise instructed, and the speed of trains will be controlled accordingly. A green flag, or a green light, placed beside the track on the left hand side as seen by an engineer of an approaching train, at a point beyond the slow track, indicates that full speed may be resumed".

Railway companies subject to the jurisdiction of the Board are requested to file within thirty days from the receipt of this circular such comments as they may wish to make thereon.

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

# CIRCULAR No. 164.

OTTAWA, April 15, 1918.

Preventable accidents to railway employees.

File No. 28293.

The Board notes from its reports that a considerable number of accidents result from employees attempting to get on or off moving cars or engines, or attempting to crawl under noving cars, or to get through moving cars between or over couplers. The following detail shows the situation for the years 1916 and 1917, as disclosed in the Board's reports—

	193	16.		19	17.
	K.	I.		K.	I.
Jumping off train in motion	5	14		1	28
Attempting to board train	2	14		2	26
Adjusting couplers, coupling and uncoupling.	5	39		5	53
Crawling under cars		1			1
Crawling through cars over couplers'	1				7
Caught while passing through cars between					
couplers	3	4	/	0 0	
Riding on pilot of engine	2	2		1	3
	18	74		9	118

The employees killed in 1916 from the classes of accidents above set out amount to 15 per sem of the total employees killed, while for 1917 the figures are 5.7 per cent. Those injured represent for 1916, 9.5 per cent and for 1917, 10 per cent.

This represents a preventable injury; and the Board desires each railway subject to its invisit to bring this matter, by bulletin or other publication, properly before the attention of its employees, so as to prevent in so far as possible the occurrence of such accidents.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

#### CIRCULAR No. 165.

OTTAWA, April 19, 1918.

Accidents to railway employees where two main tracks parallel each other.

File 28433.

The following rule has been adopted by some railways under the Board's jurisdiction for the protection of employees where two main tracks parallel each other and are less than twenty feet from centre to centre, viz.:

Where two main tracks parallel each other and are less than twenty feet from centre to centre, whether such tracks are for double or single track operations, employees in every instance, when stepping out of the way of approaching rains, must move to the right of way and not to the other track. Foremen will be personally responsible for educating their men accordingly.

The Board desires to be informed by all railways within its juridiction whether they have such a rule in effect, and if not, what, if any, objection they would urge against the rule in question being applied generally.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

CIRCULAR No. 166.

OTTAWA, April 30, 1918.

Inspection and testing of locomotive boilers and their appurtenances.

File 16513.

Under clause 46 of General Order No. 78, dated July 14, 1911, railway companies are required to file not less than once each month and within fifteen days after each inspection, a report of inspection of each locomotive used by a railway company.

I am directed to ask that such reports also show conditions of nettings, dead plates, ash pans, dampers, and slides of locomotives and that the Inspector who makes the inspection sign the report as to the conditions.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

CIRCULAR No. 167.

OTTAWA, June 19, 1918.

Rules for wires erected along or across railways—General Order No. 231.

Case 4704.

The Board is in receipt of inquiries in regard to the scope of General Order No. 231, dated May 6, 1918, containing rules for wires erected along or across railways, and as there appears to be some misunderstanding as to whether an order is necessary where construction is along the railway, I am directed to state that the amending provision, section 7, chapter 22, of the Statutes of 1911, dispensing with the necessity of an order where the railway company consents, as set forth on page 2 of General Order No. 231, as printed, applies only to construction across the railway.

Where the wires or other conductors are to be erected along the railway an order

of the Board is therefore necessary.

By order of the Board,

A. D. CARTWRIGHT, Secretary.

CIRCULAR No. 168.

OTTAWA, July 16, 1918.

Destruction of Stations by Fire, etc.

File 28780.

With respect to stations destroyed by fire or other cause, all railway companies surject to the jurisdiction of the Beard are hereby required to report to it the marked are at the destruction of such station buildings, whether by fire or otherwise, immediately after the occurrence.

By order of the Board.

A. D. CARTWRIGHT, Secretary.

CIRCULAR No. 169.

OTTAWA, July 18, 1918.

Equipment Returns.

File No. 6623.

Referring to the Board's Circular No. 85, this is to advise that the monthly statement of cars held for repairs may now be discontinued, as this information is now required to be filed under Circular No. 153. The filing of the semi-annual equipment report must, however, be continued, same being promptly mailed to the Chief Operating Officer of the Board.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

CIRCULAR No. 170.

OTTAWA, August 13, 1918.

Automatic Train Stop.

File 28840.

In view of the frequency of accidents, as shown by reports made to the Board from time to time, indicating that some grave consideration should now be given by Caradian radways to the question of the advisability of adopting an effective automatic train-stop device, the Board, in full realization of the necessities of the time demonstrated to its attention, desires an expression of the views of each railway automatic trains in the subject after full consideration and investigation has been given by the railways.

It is suggested that the Canadian Pacific, Grand Trunk, Michigan Central, Canadian Nothern St. Lawrence and Adirondack, Grand Trunk Pacific, and Toronto, Hammon and Butalo Railway Companies should appoint a special committee to usher the matter, a report as to progress to be made to the Board within 90 days from the slate.

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

#### CIRCULAR No. 171.

OTTAWA, September 25, 1918.

Disinfecting passenger cars that have been occupied by patients suffering from contagious or infectious diseases.

File No. 1708-3.

Railway companies subject to the jurisdiction of the Board are required to issue instructions to conductors of trains carrying passengers, to report, immediately, to the proper officer, any case, or cases, that they know of or have reason to suspect, of a passenger, or passengers, suffering from contagious or infectious diseases, having travelled in any of the cars in their trains; and, furthermore, instruct the official designated to have such car, or cars, removed from service and thoroughly disinfected in accordance with clause 5 of General Order No. 35, before permitting the same to go into service again.

By order of the Board,

A. D. CARTWRIGHT, Secretary.

### CIRCULAR No. 172.

OTTAWA, September 25, 1918.

Uniform Maintenance of Way Flagging Rules.

File 4135.25.

The Maintenance of Way Flagging Rules as set forth in General Order No. 188, dated April 23, 1917, have been amended by General Order No. 216 of January 24, 1918, and General Order No. 248 of August 19, 1918.

On order that there may be no misunderstanding in regard to these rules, I am sending you herewith a copy of the Rules as they now stand with the amendments called for in General Orders 216 and 248.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

OTTAWA, September 25, 1918.

Uniform Maintenance of Way Flagging Rules.

RULES OF GENERAL ORDER NO. 188 AS AMENDED BY GENERAL ORDER NO. 248.

1. Before undertaking any work which will render the main track impassable, or if rendered impassable from any cause or defect, trackmen, bridgemen, or other employees of the company shall protect the same as follows:

2. (a) on double track; (b) on three or more tracks; (c) in mountain territory;

and (d) on all lines with frequent or fast train service—

Send out a flagman in each direction with stop signals, at least-

1,500 feet in daytime, if there is no down grade towards the obstruction within one mile, and there is a clear view of 6,000 feet from an approaching train. 3,600 feet at other times and places, if there is no down grade towards the obstruction within one mile.

5,400 feet if there is a down grade towards the obstruction within one mile.

The thermore must, after coince the required distance from the obstruction to a are full protection, take up a position where there will be an unobstructed view of him from an approaching train of all possible, 1,500 feet, first placing two torpedoes on the rain train more than two or less than 100 feet apart), on the same side as the rain, r at an approaching train 500 feet beyond such position. The flagman must deplay a relighable without a region of the rain train 500 feet beyond such position.

3. On other lines (a) By day place a red flag and, in addition, by night a red light, or the same add of the trunk as the engineer of an approaching train, at a point 500 Let from the depetive or working point, with two torpedoes placed on the rail opposite each other so as to cause but one explosion, 150 feet in advance of the red signal, and provide further protection as follows:—

(b) By day place a red flag and, in addition, by night a red light,—on the same side of the track as the engineer of an approaching train so that will be clearly in

nis view, at least—

3,600 feet from the defective or working point, if there is no down grade towards the obstruction.

5,400 feet if there is a down grade within one mile of the obstruction, or as much farther as may be necessary to insure full protection.

(c) Place two torpedoes (not more than 200 or less than 100 feet apart) on the rail on the same side as the engineer of an approaching train, 300 feet in advance of the red signal.

(d) Between sunset and sunrise and during stormy, foggy, or smoky weather conditions flagmen must be placed instead of the outer signals referred to in Clause (b).

It Trains a speed by flagman, as per Rule 2 and Rule 3 (d), shall be governed by this is contions and proceed to the working point or working point signal, as the case may be, and there be governed by signal or instructions of the foreman in charge.

5. Trains stopped by red signal, as per Rule 3 (b) shall replace the torpedoes exploded and proceed to the working point signal, and there be governed by signal or instructions of the foreman in charge, unless in the meantime stop signal has been removed.

C. In the event of train order protection being provided the defective or working

point must be marked by signals placed in both directions as follows:

Yellow flags by day and in addition yellow lights by night, 3,600 feet from the defective or working point; red flags by day, and in addition red lights by night, 600 flow from the defective or working point, on the same side of the track as the engineer of an approaching train; except on double track, where trains run to the left, in which case simm's shall be placed to the left hand side as seen by an engineer of an approaching train, and there is a clear view of at least 1,200 feet.

7. When weather or other conditions obscure day signals, night signals must be used in addition.

8. "Frequent service" shall mean nine or more trains a day and "fast train service" shall mean a service at a speed of thirty-five miles or more an hour.

9. That the Brennan Signal device as approved by the Board, or a signal of an qually so in the type attached to the base of the rail, to be approved by the Board, be use to distant the signals directed to be provided under rules 3 (b) and 6 (vellow signal) of this order and rule 35 (vellow signal) of the Uniform Code of Operating Rules.

10. Flagmen must each be equipped for day time with a red flag and four torpedoes, and for night time, and when weather or other conditions obscure day signals,

with a red light, a white light, four torpedoes, three red fusees, and a supply of matches.

And it is further ordered that the foregoing rules be printed in the working timetables of the said railway companies for the guidance of all employees.

Subdivisions to be named setting out which of the rules are applicable to each.

#### CIRCULAR No. 173.

OTTAWA, November 15, 1918.

Employment by Railway Companies of trackmen under physical disability as regards hearing and eyesight.

File No. 1750.17.

The Board has given careful consideration to the matter of employment by railway companies of trackmen suffering disability from defective hearing and eyesight, and to accidents resulting therefrom, and while realizing the desirability, owing to the present shortage of unskilled labour, of hampering the railway companies as little as possible in their selection of this class of labour, it is of the opinion that where a trackman is employed the foreman engaging him might reasonably satisfy himself that the candidate for employment suffers no such serious physical disability with respect to hearing and eyesight as will render him specially liable to accident or increase the hazard of the employment for which he is engaged; and the co-operation, as far as possible, of the railways is therefore asked in furtherance of this protection.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

#### CIRCULAR No. 174.

OTTAWA, December 11, 1918.

Hand Rails and Small Foot Rests on the outside of locomotives, and railing on tender to prevent men from slipping off when they are passing over the tender or when the locomotive is taking coal or water.

File 22223.

I am directed by the Board to ask that you furnish, within thirty days of the date of this circular a statement giving the number of engines equipped by your company in compliance with General Order of the Board No. 171, dated August 1, 1916, and the number still to be equipped.

By order of the Board.

A. D. CARTWRIGHT, Secretary.

CIRCULAR No. 175.

OTTAWA, February 24, 1919.

Re Interswitching Tickets or Receipts.

File 6713.158.

Railway companies subject to the jurisdiction of the Board using, or proposing to use, a special form of local shipping receipt or switching ticket, in lieu of the approved bill of lading, to the point of transfer for interswitch movements, are required to furnish the Board, at the earliest possible date, with two specimen copies of the form used, or proposed to be used.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

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# FIFTEENTH REPORT

OF THE

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR NINE MONTHS ENDING DECEMBER 31

1919

PRINTED BY ORDER OF PARLIAMENT



OTTAWA

THOMAS MULVEY
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

[No. 20c.—1921.] Price 10 Cents.



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# THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA.

Hon. F. B. CARVELL, K.C., Chief Commissioner

S. J. McLean, M.A., LL.B., Ph.D., Assistant Chief Commissioner.

Hon. W. B. NANTEL, K.C., LL.D., Deputy Chief Commissioner.

A. S. Goodeve, Commissioner.

A. C. BOYCE, K.C., Commissioner.

J. G. RUTHERFORD, C.M.G., Commissioner.

A. D. CARTWRIGHT,

Secretary.

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# REPORT

OF THE

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA

To the Governor in Council:

Pursuant to the provisions of section 31 of the Railway Act, 1919, the Board of Railway Commissioners for Canada has the honour to submit its Fifteenth Report for the nine months ending December 31, 1919.

Since the submission of the Board's last report the Railway Act has been consolidated and amended by chapter 68 of 9-10 George V, assented to the 7th July, 1919, the Act being now cited as "The Railway Act, 1919." A number of important amendments have been made to the original Act, and attention may be called to the following:—

In connection with industrial spurs the following sections have been added:-

"186. Notwithstanding anything done under the last preceding section and notwithstanding any agreement made thereunder or otherwise the Board may, on application, permit any owner of another industry or business or any person intending to establish another industry or business, within six miles of the railway, to have traffic carried over any spur or branch line, or any part thereof, constructed pursuant to the said section or to have such spur or branch line extended: Provided that any terms and conditions which the Board thinks just and reasonable shall always be imposed, and regard shall always be had to the convenience of the owner or person having senior rights in such spur or branch line. (New.)

"187. No branch line or spur constructed pursuant to either of the last two preceding sections shall be removed without the consent of the Board. (New.)

Under the heading "Other Railways" in the Act, section 193, the following clauses (4) and (5) have been added:—

"(4) Where the proposed location of any new railway is close to or in the neighbourhood of an existing railway, and the Board is of opinion that it is undersirable in the public interest to have the two separate rights of way in such vicinity, the Board may, when it deems proper, upon the application of any company, municipality or person interested, or of its own motion, order that the company constructing such new railway shall take the proceedings provided for in subsection (1) of this section to such extent as the Board deems necessary in order to avoid having such separate rights of way.

"(5) The Board, in any case where it deems it in the public interest to avoid the construction of one or more new railways close to or in the neighbourhood of an existing railway, or to avoid the construction of two or more new

railways close to or in the neighbourhood of each other, may, on the application of any company, municipality or person interested, or of its own motion, make such order or direction for the joint or common use, or construction and use, by the companies owning, constructing or operating such railways, of one right of way, with such number of tracks, and such terminals, stations and other facilities, and such arrangements respecting them, as may be deemed necessary or desirable. (New.)"

The following sections relating to mines and minerals have been added:-

"197. The company shall, from time to time, pay to the owner, lessee, or occupier of any such mines such compensation as the Board shall fix and order to be paid, for or by reason of any severance by the railway of the land lying over such mines, or because of the working of such mines being prevented, stopped or interrupted, or of the same having to be worked in such manner and under such restrictions as not to injure or be detrimental to the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of the construction and operation of the railway.

"198. If necessary in order to ascertain whether any such mines are being worked, or have been worked, so as to injure or be detrimental to the railway or its safety or the safety of the public, the company may with the written permission of the Board, after giving twenty-four hours' notice in writing, enter upon any lands through or near which the railway passes wherein any such mines are being worked, and enter into and return from any such mines or the works connected therewith; and for such purpose may make use of any apparatus of such mines and use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked. (New). (See Ontario Statute, 1913, c. 36, s. 136.)"

Under the heading "Bridges, Tunnels and other Structures," subsection (6) has been added to section 251, as follows:—

"(6) Upon the application of any municipality or municipalities interested, the Board new where it deems it reasonable and proper, require the company to construct under or alongside of its track upon any bridge being constructed, reconstructed or materially altered by the company a passageway for the use of the public either as a general highway or as a footway, the additional cost to the company of constructing, maintaining and renewing which, as fixed by or under the direction of the Board, shall be paid by the municipality or municipalities as the Board may direct, and the Board may impose any terms or conditions as to the use of such passageway or otherwise which it deems proper. (New)."

Under the heading "Board May Order Railway to be Opened," has been added section 277, reading as follows:—

"277. The Board, in any case where it deems it right, may, upon the application of any person interested, or of its own motion, order the opening of any radway or line or any portion thereof, for traffic, and may require the company to do all things necessary therefor, within such time as the Board fixes. (New.)"

Foder the heading "Special Powers of Railway Companies," the following sections have been added:--

"368. Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power to acquire, transmit and distribute chargle and other power or energy, such company, subject to the provisions of socious three hundred and seventy and three hundred and seventy-

three of this Act, may for the purposes of its undertaking acquire, but not by expropriation, electric and other power or energy, and transmit and deliver the same to any place in the municipalities through which the railway is built, and receive, transform, transmit, distribute and supply such power or energy in any form; and may dispose of the surplus thereof, and collect rates and charges therefor, but no such rate or charge shall be demanded or taken until it has been approved of by the Board, and the Board may revise such rates and charges whenever it deems proper.

"369. (1) Whenever in any Special Act hereafter passed it is stated or provided that a railway company shall have power to transmit telegraph and telephone messages for the public and collect tolls therefor, such company may, subject to the provisions of this Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines or exchanging or transmitting messages, may, subject to the provisions of this Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

"(2) No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of such company except in accordance with section three hundred and seventy-six of this Act, and the said company and its said business and works shall in all respects

be subject to the provisions of the said section.

"(3) Part II of the Telegraphs Act, except such portions thereof as are inconsistent with this Act, shall apply to the telegraphic business of such

company. (New.)"

"370. No power conferred as in the last two preceding sections mentioned and nothing in the said sections or in the Telegraphs Act, shall authorize such company to construct or operate any line along any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, nor without complying with any terms stated or provided for in such by-law, or authorize such company to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. (New.)"

Also under the heading "Offences, Penalties and Other Liability—Disobeying orders of Board," the following section has been added:—

"392. (1) Every company and every municipal or other corporation which neglects or refuses to obey any order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, shall for every such offence, be liable to a penalty of not less than twenty dollars nor more than

five thousand dollars.

"(2) Wherever it is proved that any company has neglected or refused to obey an order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, the president, the vice-president, each vice-president where there are more than one, and every director and managing director of such company shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order and that he was not at fault for the neglect or refusal to obey the same.

"(3) Wherever it is proved that any municipal or other corporation has neglected or refused to obey any order of the Board made under the provisions of this Act, or any other Act of the Parliament of Canada, the mayor, warden, reeve or other head of such corporation, and every member of the council or other ruling or executive body of such corporation, shall each be guilty of an offence for which he shall be liable to a penalty of not less than twenty dollars and not more than five thousand dollars, or imprisonment for any period not exceeding twelve months, or both, unless he proves that, according to his position and authority, he took all necessary and proper means in his power to obey and carry out, and to procure obedience to and carrying out of, such order, and that he was not at fault for the neglect or refusal to obey the same.

"(4) Nothing in or done under this section shall lessen or affect any other liability of such company, corporation or person, or prevent or prejudice the

enforcement or such order in any other way.

"(5) No prosecution shall be had under this section except by leave or direction of the Board. (New.)"

Under the heading "Removing Industrial Spurs," the following section has been added:—

"398. Any company or person who, without consent or order of the Board, removes any spur or branch line constructed under or pursuant to this Act for the purpose of affording railway facilities to, or in connection with, any industry or business established or intended to be established, shall be liable on conviction to a penalty not exceeding one thousand dollars. (New.)"

Under the heading "Notification of Accidents," the following section has been added:—.

"412. (1) Every railway company which wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, to the Buard of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or turned on or of the railway has been broken, or so damaged as to be impassable or until for immediate use, shall forfeit to His Majesty the sum of two hundred dallars for every day during which the omission to give such notice continues. R.S., c. 37, s. 412.

".2) Every conductor or other employee who makes a report to the company 4 the occurrence of any such accident and fails, wilfully or negligently, to make the Board of the same by telegraph as soon as possible after such accident, is guilty of an offence and liable, on summary conviction, to a penalty not

exceeding one hundred dollars. (New.)"

# PUBLIC SITTINGS OF THE BOARD.

During the nine months covered by the period from the 1st April, 1919, to the last December, 1919, the Board held 36 public sittings at which 285 applications were heard. The number of public sittings held in the various provinces were as follows:—

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The applications include a variety of matters falling within the jurisdiction of the Board under the Railway Act from the complaint of a private individual to matters of general public interest affecting the community at large.

#### FORMAL AND INFORMAL MATTERS.

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitutes a considerable percentage of the total applications and complaints dealt with by it, that is to say, of a total of 2,735 applications and complaints received and dealt with by the Board, 10.42 per cent were set down for formal hearing and 89.58 per cent were disposed of without the necessity of such formal hearing. These informal complaints, dealt with and settled without the necessity of a hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the Board's officials, and cover a wide range of subjects, as, for example, a complaint of a more or less trivial nature to a matter of general public interest affecting the community as a whole, or involving the application of some general principle regarding the railway rates.

#### RAILWAY GRADE CROSSING FUND.

In accordance with the provisions of subsection (5) of section 262 of the Railway Act, 1919, provision was made that the sum of \$200,000 each year, for ten consecutive years from the first day of April, 1919, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing by actual construction work of protective safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 31st day of December, 1919, 427 orders, providing protection for 478

crossings, as follows:-

By	electric bells	258	
	gates	111	
4.6	subways	51	
64	overhead bridges	23	
4.6	diversion of highways	28	
	closing of streets	7	
6.6	removal of view obstructions	4	
6.6	shelter	1	
	towers	3	
	bell and wig-wag	3	
6.6	wig-wags	2	

It will be seen by comparing the total number of crossings protected with the Fourteenth Annual Report of the Board, that the increase for the nine months ending December 31, 1919, in the number of crossings protected, numbers 18, made up as follows:—

Ву	electric bells	6
4.6	subways	1
4.6	overhead bridges	2
44	diversion of highways	6
66	closing of streets	2
44	removal view obstruction	1
46	bell and wig-wag	3
44	wig-wags	2
		23

Note.—Eighteen crossings and 23 protections consequent on account of extra bell at one crossing and four extra diversions in connection with other crossings.

It will be noted that under the new consolidated Railway Act provision is made that the total amount of money to be apportioned and directed and ordered by the Board in her proble from the annual appropriation, shall not in the case of any one crossing expect transfer per cent of the cost of the actual construction work in providing such practection, and shall not in any such cases exceed the sum of \$15,000, and that no stach money shall in any one year be applied to more than six crossings on any one railway in any one municipality, or more than once in any one year to any one crossing.

Subsection (3) of section 262 of the consolidated Railway Act provides that in a second provide contributes towards the said fund, the Board may apportion, direct and other payment on of the amount secontributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its

contribution.

# GENERAL DECISIONS AND RULINGS OF THE BOARD.

Submitted herewith are some of the more important matters dealt with by the Board at its public sittings for the nine months ending December 31, 1919. A synopsis of the principal judgments will be found under Appendix A to this report.

#### GENERAL ORDERS ISSUED BY THE BOARD.

The following is a brief summary of some of the matters dealt with under the Board's General Orders:—

Direction that every railway company subject to the jurisdiction of the Board shall strictly conform to certain rules and regulations governing the handling of guard reliable downs and platforms on passenger cars, and setting forth that "suburban trains" as used in the Board's General Order No. 263 means, and applies only to, trains within commutation limits when carrying commutation traffic.

Direction authorizing the Bell Telephone Company of Canada certain increases in tolls for long-distance service, and an increase of 10 per cent on all tolls, rates, and marges for exchange telephone service and charges incidental thereto, and charges for usering lephone stations and other equipment, but disallowing "service connection charges," also authorizing that where exchange services are at present installed, the increased tolls thereby authorized and allowed shall become effective July 1, 1919.

Direction in the matter of the application of the Canadian Freight Association i. If of railway companies subject to the Board's jurisdiction, that Supplement No. 12 to Canadian Freight Classification No. 16, as finally revised and submitted for approval of the Board, be approved.

Direction that all telegraph companies within the legislative authority of the Parliament of Canada be authorized to charge the telegraph tolls published in their

respective tariffs filed with the Board.

Direction that the Standard Conditions and Specifications for Wire Crossings, as unreveally the Board's General Order No. 231, dated May 6, 1918, be amended by this 2 out the words "three dollars" where they occur in the said order, and subtinity therefor the words "eleven dollars," and providing that such payment is to the control of the words pourses.

Direction is some come with the application of the Express Traffic Association for the rail is consent rates, that the tariffs issued under the authority of the Board's addition of the Unit July, 1919, he published and filed at least five days previous to date on united they are to become effective, also that the express freight collection and delivery place outlined in the judgment be given effect to, and charts of the

boundaries thereunder be posted for the information of the public with the least delay consistent with the ascertainment by the companies of the necessary data and the acquirement of any necessary additional equipment.

Direction with regard to the equipment with marker sockets of passenger cars and cabooses by placing the same in the lower position and requiring that the cars and cabooses shall be so equipped before the 1st May, 1920; also rescinding the Board's Order No. 10453, dated May 3, 1910, and its General Order No. 127, dated July 6, 1914.

Direction with regard to any reissue of the Canadian Freight Classification, or the Express Classification for Canada, or any supplement thereto, and providing that the same shall be submitted in printed proof form for the approval of the Board before it is made effective; also directing that one copy of the proof and of the notice of publication shall be furnished by the applicant to the parties set forth in the Board's Order (No. 271), with the request that fully explained objections, if any, to the proposed changes involving increased cost of transportation be filed by them with the Board within thirty days from the receipt of the proof and notice; also providing that previous orders and regulations of the Board conflicting with the said order be rescinded.

Direction that terminal carriers that do not issue the bill of lading for the entire movement of such freight to its destination, and which are subject to the jurisdiction of the Board, shall give the shipper a local bill of lading on the appropriate form provided for in the Board's General Order No. 41, covering the movement by interswitching service to the point of transfer to the line carrier that issues the bill of lading to the destination; or, if preferred and in lieu thereof, shall give the shipper what is commonly known as an interline or switching ticket or receipt, which shall contain the words "received subject to the conditions of the company's bill of lading, which are made a part hereof."

Direction that all railway companies subject to the Board's jurisdiction be granted an extension of time until the 30th September, 1920, within which to make the changes required under the Board's General Order No. 128, the companies being required to continue their existing practice of filing with the Board monthly reports of the progress made in complying with the requirements of the said order.

Direction of the Board that the railway companies of Canada subject to its jurisdiction be permitted to carry free of charge certain persons as enumerated in the Board's General Order No. 274.

Direction that all freight, passenger, express, telephone, and telegraph tariffs, and supplements thereto, applying between points in Canada, or from a point in Canada to a foreign country, filed with the Board, shall, except as provided in General Order No. 275, indicate advances made by the symbol "A" and reductions by the symbol "R," with the necessary explanatory note; also providing further, if it is found impracticable in a certain case to indicate changes by either of the methods prescribed, that application may be made to the Board for relief from the provisions of the order.

#### In re LONDON AND PORT STANLEY RAILWAY COMPANY.

The London and Port Stanley Railway, a steam railway recently operated by electricity in a densely populated part of Ontario, may be taken as showing in the highest degree the economies of electric railway operation. To provide for capital charges on the value of the undertaking, and cost of change in the system of operation, as well as for the large increases in wages of employees and costs of supplies, an increased revenue is necessary in order to operate the line as a commercial venture, without loss to the owners or depreciation in the property. Accordingly the passenger toll of 2½ cents per mile was increased by 15 per cent, and the toll on coal by 15 cents

per ton, as in the case of the steam railways. The Board will extend similar relief to any other electric line whose operation and financial condition require it.

In to Eastern Tolls (Eastern Toll Case), 22 Can. Ry. Cas. 4; in re Increase in Passenger and Freight Tolls (Increase in Rates Case), 22 Can. Ry. Cas. 49, followed.

The facts are fully set out in the judgment of the Chief Commissioner, dated March 28, 1919, concurred in by Mr. Commissioner McLean. 24 Can. Ry. Cas., p. 160.

# ADOLPH LUMBER COMPANY V. GREAT NORTHERN RAILWAY COMPANY.

The universal basis in fixing tolls is the weight of the product carried, a comparis in the refere between the tell on a carload of the product and the quantity of raw material required to produce it is impracticable.

The tolls on logs between Dorr and Baynes, B.C., not shewn to have been reason-

The facts are fally set out in the report of the Chief Traffic Officer of the Board, dated the 28th March, 1919, concurred in by the Chief Commissioner and Commissioners Goodeve and Rutherford, 24 Can. Ry. Cas., p. 173.

#### In re DAYLIGHT SAVING ACT, 1918.

The Board has no jurisdiction under the Railway Act (ss. 30, 268, 270 and 307), to a revent the use by railway companies of any specific time, unless such use is shewn to be against the comfort, convenience and safety of the travelling public and railway employees.

T. Daylight Saving Act, 1918, according to the ordinary canons of construction.

remains in force until repealed.

Perlament having stated its intention that the operation of the Daylight Saving As I and not extend beyond the year 1918, it is inadvisable that the Board should under all the circumstances take any action under it.

The Board is both a judicial and administrative body, its jurisdiction is largely

discretionary and in some instances legislative in its character.

The facts are fully set out in the judgment of the Chief Commissioner, dated March 29, 1919. 24 Can. Ry. Cas., p. 199.

# APPLICATION OF LAVAL DES RAPIDES TO STATION FACILITIES, CANADIAN PACIFIC RAILWAY.

The anomaly deation of the town of Laval des Rapides, on isle Jesus, for better station facilities, the town being situated on the line of the Canadian Pacific Railway Campany. Operate the town on the island of Montreal there is a station called Bordynox, which a regular agent, which people from Parc Laval and the surroundings use, but for persons residing in Laval it means a ten-mile trip each time.

Numerots a malaints were filed with the Board and the report made by one of its installers are show that the method of handling business proved very unsatistere ry, the box car used by the company as a freight shed on the siding at Laval

being tampered with and goods stolen or destroyed.

The case was heard in Montreal on January 16, 1919, all parties interested being

recently at the hearing.

II ld. Departy Chief Commissioner Nantel in his judgment, April 8, 1919, concorrol in by Chief Commissioner Drayton and Commissioner McLean, that a shelter and platform should be erected at the point in question and a caretaker put in charge.

# APPLICATION OF T. M. KELLY, SEBRINGVILLE.

This was an application of T. M. Kelly, of Sebringville, Ont., on his own behalf as well as on behalf of a number of farmers tributary to Sebringville, on the line of the Stratford and Goderich Branch of the Grand Trunk Railway, asking for the estab-

lishment of a siding to accommodate about four cars, also a small shelter with a freight shed or freight room attached, to be located at or near the site indicated, at the crossing at mileage 38, about midway between Sebringville and Mitchell stations, which were eight miles apart. It was made to appear in support of the application that the district to be served by the facility asked was one of the best, if not the best, farming sections in the province of Ontario; that certain of the farmers although living within three miles of the railway were nine or ten miles from a station.

Held, Commissioner A. C. Boyce, in his judgment, April 11, 1919, 24 Can. Ry. Cas. 367, concurred in by Mr. Commissioner McLean, that the discretion appealed to was a judicial one and must be carefully exercised by the Board to avoid injury instead of benefit not only to local shippers, but to all served by the railway system. Held, further, that the precedent which would be created by the granting of the application was not a desirable one, and that there was no preponderance of necessity to justify special treatment in the case, and the application must, therefore, be dismissed.

Re Staunton, Alta., re Ribstone, Alta., and in re St. Louis de France, County

of Champlain, referred to.

In re application of the corporation of the township of Nepean and Ottawa Electric railway company.

This was an application of the Ottawa Electric Railway Company for leave to appeal to the Supreme Court on an issue of law from two several orders of the Board, No. 27830, dated November 6, 1918, suspending tariff C.R.C. No. 5 of the company, and Order No. 28120, dated February 25, 1919, disallowing said tariff. The following are the questions to be submitted:—

1. Whether, upon the proper construction of the agreements with the city of Ottawa and the village of Hintonburg, the statutes relating to the Ottawa Electric Railway Company and the relevant provisions of the Railway Act (the evidence adduced, the exhibits filed, and what was alleged by council), the Board was right in disallowing the tariff of the company filed providing for payment of additional fare for carriage upon the extension from Holland avenue, notwithstanding that the Board has found as a fact that the company did not require additional revenue.

2. Also whether, upon the proper construction of the said agreements, statutes, evidence, and exhibits for the purpose of computing the toll to be charged to passengers upon the said extension, the point of commencement of the said extension should be considered to be at Holland avenue or at the formerly westerly limit of the

village of Hintonburg, now the city of Ottawa.

Held, Chief Commissioner Drayton, in his judgment, April 14, 1919, concurred in by Assistant Chief Commissioner McLean, that the application be granted subject to the following question being submitted to the court on the matter of jurisdiction:—

"Has the Board the right to treat the company's operations as a whole, and continue the existing tariff; or must the Board permit the filing of tariffs on a mileage basis covering services on the Britannia line without reference to the larger part of the system covered by municipal agreement?" 26 Can. Ry. Cas.

# In re BELL TELEPHONE COMPANY INCREASED TOLLS.

1. Telephones, Tolls, Increase, Temporary, Emergency, Revision, Operation, Costs.

As an emergency measure, in view of sharp advances in operating costs, the Board authorized temporary increases in telephone tolls, but retained control of the case, so that revision of the emergency tolls might be considered later.

2. Telephones, Tolls, Temporary Increase, Increase of Material and Wage Costs,

Emergency, Division of Burden, Depreciation, Deficit.

In disposing of an application for increase of telephone tolls, the Board took into corsideration the increase of material and wage costs, the company's various assets and resources, and its dealings with reserves, depreciation and replacements. It held that the burden of the energency shown to exist should be divided between the company and the public, by charging part of the deficit against the company's allowance fer depreciation, leaving the company to bear the loss prior to the date of the order and allowing temporary increases in exchange and long distance tolls.

3. Telephones, Connection, Installation, Jurisdiction. 2 Edward VII, chapter 41,

section 2.

In view of the provisions of 2 Edward VII, chapter 41, section 2, the Bell Telephone Company has no power to impose, nor the Board to authorize, charges for

connection or installation of telephones.

Canadian Oil Cos. v. Grand Trunk, Canadian Pacific and Canadian Northern Ry. Cos., 12 Can. Ry Cas. 350, at page 355; Manitoba Dairymen's Association v. Dominion and Canadian Northern Express Cos., 14 Can. Ry. Cas., 142, at page 148; City of Montreal v. Bell Telephone Co., 15 Can. Ry. Cas. 118, at pages 129-135, followed.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated the 24th of April, 1919. 25 Can. Ry. Cas., p. 1.

In re application of city of vancouver, and vancouver, victoria and eastern railway AND NAVIGATION COMPANY.

This was an application of the city of Vancouver to the Board for an order directing the Vancouver, Victoria and Eastern Railway and Navigation Company to remove the interlocking system at the crossing of the British Columbia Electric Railway Company on Powell street, in the city of Vancouver.

The matter was heard at a sittings of the Board held in Vancouver on February

14, 1919.

Held, Chief Commissioner Drayton in his judgment, May 13, 1919, concurred in by Mr. Commissioner Rutherford, that it was impossible to give effect to the application, and that to do so would imperil the lives of passengers in crowded street cars. Hold, further, that the general public could not be placed in such a position of danger he murker of a Board charged with the duty to protect public safety. Held, further, that the case of maint cance of the interlocking system be divided in equal proportions between the Great Northern and the Canadian National Railway Companies.

# In re COMPLAINT OF THE BRIGHTON BOARD OF TRADE.

The was en unthing ledged with the Board by the Board of Trade of Brighton, time, Ir an order directing the C.P.R., the G.T.R. and the C.N.R. Companies to on the a Brighton interchange tracks for the purpose of handling carload traffic etween the above-mentioned three railways.

The case was heard at a sittings of the Board in Toronto on the 13th January, held a much of tas re-read in order to give the Grand Trunk Railway Comnon- it in a stump to roply to certain statements made on behalf of the Dominion anners, Limited, and the Brighton Board of Trade.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, May 11.

1010, and in by Assistant Chief Commissioner McLean.

Hand that ... Duranian Canners Company submit its proposed plans to the ee railway companies, together with representatives of the other industries at this raint, and to endeavour to see if an arrangement could not be arrived at for a consent order.

In re complaint of the taylor milling and elevator company, limited, letheridge, alta., re classification of dr. rusk's chick food.

This case was heard at the sittings of the Board held in Lethbridge, Alta.,

February 24, 1919, when the matter was in part dealt with at the hearing.

At the hearing the companies were tentatively directed to classify the chick food commodity in question as fourth class in less than carloads and eighth class in carloads. The company subsequently put in a tariff covering the l.c.l. movement at the rate which was mentioned at the hearing.

The company objected to classifying the product in the eighth class for the carload movement. Further consideration of the matter supported the tentative

conclusion previously arrived at.

Held, Chief Commissioner Drayton, in his judgment, May 20, 1919, concurred in by Mr. Commissioner Rutherford, that the reduction from third to fourth class should be sufficient for these extraneous enclosures. The facts are fully set out in the judgment referred to.

#### ONTARIO PAPER COMPANY V. GRAND TRUNK RAILWAY COMPANY.

A toll of 22 cents per 100 pounds on newsprint from Thorold, Ont., to Chicago, Illinois, U.S.A., was not found to constitute an unjust discrimination or undue preference in favour of competitors in the Chicago market.

The facts are fully set out in the judgment of Mr. Commissioner McLean, dated June 26, 1919, concurred in by the Chief Commissioner, the Deputy Chief Commis-

sioner and Mr. Commissioner Goodeve. 24 Can. Ry. Cas., p. 177.

# $In\ re$ application of the temiscouata railway for increase in its standard passenger fare.

This was an application of the Temiscouata Railway Company for permission to increase its standard passenger fare to four cents per mile, in conjunction with a complaint of the municipality of Ste. Rose du Degele, P.Q., against the cancellation of second-class fares by the railway company. Prior to the increase in the Fifteen Per Cent Case, the standard passenger fare was 3.3 cents. When the increase in the Fifteen Per Cent Case was made, the increase was limited to 3.45 cents, being 15 per cent on a 3-cent standard base. This allowed an increase of 3 per cent over the standard fare hitherto charged. Had the full 15 per cent on the 3.3 cent rate been allowed, it would have given a rate of 3.82 cents.

Complaint was also made of the railway having taken out its second-class fares on its main line. This was effective June 16, 1919. No application for suspension

was received.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, July 25, 1919, concurred in by Deputy Chief Commissioner Nantel and Mr. Commissioner Boyce.

Held, on consideration of all material factors concerned, that a case for increasing the first-class standard fare to 4 cents per mile had been made out, and that the increased rate might become effective on compliance with the provisions of

the Railway Act as to standard passenger fare publication.

Held, further, that there is no provision contained in the Railway Act as to provision for second-class fares, and that even if the Board had discretion to direct the installation of second-class fares—a point that it was not necessary to pass upon—the facts as developed in regard to cost conditions and revenues did not warrant the exercise of this discretion by way of direction for their reinstallation on the Temiscouata railway.

Eastern Townships Lumber Company v. Temiscouata Railway Company, 13 Can.

Ry. Cas., at p. 260, referred to.

In re QUEBEC, MONTREAL AND SOUTHERN RAILWAY COMPANY.

The Board allowed the agents at six stations to be dispensed with and refused

the application in the case of six others.

The facts are fully set out in the judgment of the Chief Commissioner, dated July 10, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner McLean. 24 Can. Ry. Cas., p. 229.

EXPRESS TRAFFIC ASSOCIATION V. CITIES OF MONTREAL, TORONTO, WINNIPEG, et al.

# Express Tolls Case.

1. Express, Tolls, Railways, Transportation, Facilities, Payment, Organization. Notwithstanding that express companies are in effect owned by the railways over whose lines they create, the payments made by the express companies to the railways are to be allowed for in fixing express tolls, since the railways are entitled to payment for the transportation and facilities they afford, and the further and additional service given by the express organization must also be recognized. Under present circumstances there is no room for the claim that railway earnings are exorbitant.

2. Express, Railway Function, Tolls, Additional, Reasonableness, Subsidiary Com-

pany.

Exputes business is a railway function, and the reasonableness of express tolls is to be determined on the same basis as if the express service were rendered by the railway company itself, instead of by a subsidiary company, the introduction of an express company on justifying any additional charge. The reasonableness of the charges made by the railway company against the express company is therefore a proper subject of investigation in order to determine the reasonableness of express tolls.

3. Express, Tolls, Railway Service, Value, Additional, Service, Express Facilities.

In fixing express rolls, the questions to be determined are what the railway service as worth, and what amount should be added for the additional service due to express

facilities

4. Express, Tolls, One and a half times freight tolls plus sixty cents, Cost of Operation.

After consideration of express accounts of express companies and of railway costs, including a comparison of earnings of express cars with those of passenger, freight, and sleeping cars per car mile, the Board found that one and a half times the standard freight tall would be reasonable as a basis for the rail service included in express service; and that there might be added to this, in order to arrive at a reasonable express tall, sixty cents per 100 pounds for the additional service afforded by express tachlities. This sixty cents representing the express companies' cost of operation with a small, but reasonable, profit on their activities.

5. Express, Tolks, Commodity, Standard Maximum, "Merchandise" Toll, Classification.

The und rlying basis of express tolls is the standard maximum "merchandise" rate on which all other tells should be predicated. Commodity tolls should be calculated at approximate fraction of the standard toll; and the toll for bulky articles taking a higher classification by the addition of the appropriate fractions over the merchandise toll.

6. Express, Tolls, Higher than Freight.

Express the one is the materially higher than standard first class freight tolls; similate and the casily understood; and should bear equally and fairly on all slippers under similar circumstances and conditions.

7. Express, Tolls, Special, Commodity, Increase, Public Interest, Financial Relief, Wagen Souther, C.L. and L.C.L., Return of Empties, Unloading, Intermediate Points.

In refusing to allow the express companies to discontinue special "commodity" tolls, the Board took into consideration that any increase of tolls on these "commodities," which are articles of large consumption and daily necessity, would afford an excuse for further increase in cost to the consumer, out of proportion to the increased tolls allowed; that in view of present high cost of necessities of life such an increase of tolls would not be in the public interest, nor in that of the express companies themselves; that such increase would bear too hardly on the producer; and that the increase allowed in ordinary "merchandise" tolls would afford sufficient financial relief to the companies. Special directions given as to wagon service on car load and less than car load commodities; return of empties; and partial unloading at intermediate points.

8. Express, Tolls, "Block" System.

The Board authorized the adoption of the "block" system of stating tolls on all Canadian express lines, following a report of the chief traffic officer, explaining the system.

9. Board, Decisions, Intimidation, Illegal, Punishment, Contempt.

Attempts to influence decisions of the Board by intimidation or other improper methods are illegal and are punishable by proceedings for contempt.

10. Express, Free Delivery, Extension, Basis, Density of Population, Distance,

Condition of Roads.

The Board ordered that free delivery by wagon be continued where already given, and that extensions of free delivery service be given in accordance with specific rules enumerated by the Board based on density of population, distance, and condition of · roads.

11. "Pay Zones," Abolition, Free Delivery Limits.

The Board ordered that "pay-zones" outside free delivery limits be abolished.

12. Unjust Discrimination, Free Delivery, Toll, Reduction, Wagon Service.

To remove unjust discrimination due to free delivery at some points and no free delivery at others, the Board ordered a reduction of 15 cents from the toll per 100 pounds in the case of points having a one-wagon service and of 30 cents where no wagon service given.

13. Tolls, Express, Special Circumstances, Arbitrary Toll, Ferry Service, Through Haul.

Under the special circumstances described in the judgment, the ferry service between Prince Edward Island and the mainland should be regarded merely as an incident in the through haul, and the proposed arbitrary charge of 25 cents per 100 pounds for such service should be struck out.

The facts are fully set out in the judgment of the Chief Commissioner (Sir Henry

Drayton), July 17, 1919. 25 Canadian Railway Cases, p. 61.

#### In 79 applications of the hydro-electric power commission of ontario.

Applications were made to the Board by the Hydro-Electric Power Commission of Ontario for authority to construct a canal and construction railway across the rights of way of the Toronto and Niagara Power Company and the Toronto, Niagara and Western Railway Company on lots 124 and 187 in the township of Stamford, province of Ontario.

These applications were heard at a sittings of the Board held in Ottawa on June 10, 1919, when the question of the Board's jurisdiction was raised by counsel for the Toronto and Niagara Power Company. The position of that company was that not only had the Board no jurisdiction to permit the crossings, but that the Hydro-Electric Power Commission had not the right in law to embark upon and carry out the canal power project. It was shown that an action was pending raising the question of the status of the Hydro-Electric Power Commission.

The facts are fairy set out in the judgment of Chief Commissioner Drayton, August 1, 1349, concurred in by Mr. Commissioner Goodeve and Mr. Commissioner Rutherford.

Hold that the orders already issued were entirely without prejudice to the company's right to object to the construction of the canal as such, and the company was

left with its appropriate remedy in the courts.

# CITY OF MONTREAL v. CANADIAN PACIFIC AND GREAT NORTH-WESTERN TELEGRAPH COMPANIES

Where urban development has reached such a stage that the city's wires and poles and time placed underground, the Board will order telegraph companies to adopt underground for their wires at their own expense, or where the work is done by the numbericality, and due to may be rented from it, then upon such terms or rental as may be agreed upon between the parties.

The leads are fully set cut in the judgment of the Chief Commissioner, dated turns 1, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner

Goodeve. 24 Can. Ry. Cas., p 226.

# APPEALS FROM DECISIONS OF THE BOARD.

For the nine months ending December 31, 1919, there was one appeal made to the Governor in Council, and no appeals to the Supreme Court of Canada from the decisions of the Board.

With reference to the appeal to the Governor in Council, this was an appeal of the Canadian Association of leavernor Manufacturers against an order of the Board, dated October 9, 1919, dismissing the application of the appellants to have ice-cream classified as food under small class rates instead of being classified as merchandise under first-class rates. The appeal is still pending.

# ORDERS, GENERAL ORDERS AND CIRCULARS.

The number of orders issued for the nine months ending December 31, 1919, was 1,015. The number of general circulars issued by the Board directed to all this attenuable subject to its jurisdiction for the year was 11. The general orders a distance of the Board by the Board are those affecting all railway companies along to the Board's jurisdiction. It will be noted that the number of countil and a issued by the Board for the nine months ending December 31, 1919, was 19.

A list of the general orders and circulars for the nine months ending December 31, 1919, will be found compiled under Appendix F to this report.

# JUDGMENTS OF THE BOARD.

April, 1919, and the 31st December, 1919, will be found under Appendix A.

# APPLICATIONS TO THE BOARD.

Board for the nine months ending December 31, 1919, was 2,735.

# TRAFFIC DEPARTMENT OF THE BOARD.

In the Traffic Department of the Board the number of tariffs received and filed for the nine months ending December 31, 1919, was as follows:—

Freight tariffs, including supplements	19.913
Fassenger tarins, including supplements.	8,152
Express tariffs, including supplements.	3,944
Telephone tariffs, including supplements.  Sleeping and parlour car tariffs, including supplements.	4,316 142
Telegraph tariffs and supplements	4
·	
Total	36,471

The total number of tariffs filed from February 1, 1904, to December 31, 1919, was 877,094.

The details in regard to the tariffs will be found under Appendix B to this report.

### ENGINEERING DEPARTMENT OF THE BOARD.

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the nine months ending December 31, 1919, number 169, and cover inspections for the opening of a railway for the carriage of traffic, pursuant to the requirements of section 261 of the Railway Act, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways and general inspections falling within the scope of the work of the Engineering Department of the Board.

#### OPERATING DEPARTMENT OF THE BOARD.

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the location of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under Appendix C will be found a full and detailed report of the Chief Operating

Officer of the department.

#### ACCIDENTS AND ACCIDENT INVESTIGATIONS.

Owing to the fact that the report of the Board's Chief Operating Officer is for a period of nine months ending the 31st December, 1919, this being necessitated by the amendment to the Railway Act altering the date of the report of the Board from the 31st March to the 31st December in each year, it is not deemed practicable to make any comparison with previous years.

Full particulars of passengers and employees killed and injured, and other general information in regard to trespassers killed and injured, accidents at protected and

unprotected crossings, etc., will be found under Appendix C.

#### FIRE INSPECTION DEPARTMENT OF THE BOARD.

The policy of the Fire Inspection Department of the Board, of co-operation with the various Dominion and provincial fire protective organizations, has been carried out as in previous years.

A total of 1,327 tires from all causes were reported as originating within 300 feet of railway lines in forest sections subject to the jurisdiction of the Board. This is an increase of 183 fires over the figures for the preceding year. Of these fires, 504 were of an incipient nature and did no damage; 77.8 per cent are definitely attributed to railways. 4.9 per cent to known causes other than railways, and 17.2 per cent to unknown causes. A total area of 246,987 acres were burned over; 86.6 per cent of this area was backed over by fires definitely attributed to railways, 3.7 per cent by fires due to known causes other than railways, and 9.7 per cent to fires of unknown arms.

The total damage by all these fires is estimated at \$536,632; of this, the railways are charged with 95.0 per cent, while 0.4 per cent is charged to known causes other than railways, and 3.7 per cent to unknown causes. The aggregate monetary damage due to fires is \$434,216 greater than in 1918.

Under Appendix D will be found a full and detailed report of the Chief Fire Inspector.

# ROUTINE WORK OF THE BOARD.

#### RECORD DEPARTMENT.

Since the publication of the last annual report there has been no change in connection with the clerical staff of this department.

Below is given a table setting forth the number of applications filed, and letters received, during the nine months ending December 31, 1919, together with the number of orders issued:—

Number	of	applications made	2,735
4.6	4.6	filings received during the year	26,109
4.4		out-going letters during the year	17,502
* *		orders issued during the year	1,012

STATEMENT showing the applications made to the Board under the various Sections of the Railway Act, for the nine months ending December 31, 1919.

Sections of Railway Act.	April.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Totals.
Rescinding of orders	11	5	7	6	2	4	9	5	12	61
Rules and regulations.	3	3	4	5	9	2		3	7	4
Extension of time	3	3 2	8	5 5	5		6			46
Route map		7	2 7	1	9	8	2	9	1 1	34 18
Railway, as constructed	5		3	Î		1	î	3		14
Deviation of line	4	2	2	2	1	1	3	1		16
Expropriation of lands. Appeal to Governor in Council	1	3	1	2	1	.3	2	2		15
Appeal to Governor in Council	12	20	18	44	0.5		1			1
Branch lines of railways	12	20	18	11 2	25 4	31 5	30 1	33	23	203
Interlocking appliances.	4	1		2	7	1	4	1	2	15 22
Highway crossings	21	42	34	9	23	9	15	10	16	179
Highway diversions	2	10	3	2	6	4	2	6	5	40
Protection at crossings	. 5	9	2	4	6	11	10	9	7	63
relegraph and telephone linesrelegraph and telephone connections			1	1		1 1		1		2
relegraph wire crossing	1		1			1		1		2
Power wire crossings		2	1	2	2	l				6
relephone agreements	3	5	2	1	4	1	5	5	4	30
Water pipes			1			1	1	2	1	4
Sewers	3	2	1 2	1 1	- 1	1	. 1	2		10
Culverts	4	4	2	3	2	1 5	2	1	2	14 25
Farm crossings Protection at farm crossings	-	-			-	1				1
Cattleguards	1		1	2		1	1			. 5
Fencing of right of way	2	3	5	3	1	3	2	1	2	22
Construction—Navigable waters				2			1.1			2
Bridges		24	19	15	16	4	14	13	16	121
Funnels. Stations.	12	3	11	7	1	8	2	1		45
Condition of stations					Î				1	1
Condition of stations	10	37	16	5	12	13	20	12	11	136
Condition of roundhouses							3			3
Opening of railway	3	1	2 7	2	2			8	4	10
Condition of railwayRolling stock	6	3	1	1		6	4	1	. 5	40 14
Train service.	12	. 11	5	5	3	5	10	6	13	70
Working of trains		6	3		2	4	8	1	2	26
Working of trains.  Obstruction to traffic			2 7	5			1	1		4
Accommodation for traffic	6	4	7	5	10	10	6	3	7	58
Dangerous commodities	17	29.	30	32	35	20	43	42	33	281
Accident reports.  Chistles and weeds.	1	20,	50	1	1	20	-10	-20		1
Fires from locomotives			1							1
Fires from locomotives.  By-laws, re tolls.	1		1	1		1			3	7
Equality in tolls		1		3					3	12
Interswitching	3		1	3	1	2		1	2	5
Freight classification.  Disallowance of tariffs	1	1			2			î	ī	6
Standard freight tariffs			2	3	2	2	1		3	13
Standard passenger tariffs					1	2	2	1	1	7
Local freight tariffs	1	1						1		3 21
Adjustment in rates	4	5	4	1.	1	3	3 7	1 3	9	26
Special tariffs	2	2		1.	1	1		1	9	3
Provisions for carriage Express tolls						1	1		1	3
Carriage by express		3	1	3	1	5		2	6	21
Felephone tolls			3	. 1	2			1		5 7
Praffic agreements	17	10	10	1 12	13	8	10	11	15	114
nquiries	17	18 63	10 74	72	47	103	90	90	71	678
Complaints	17	16	10	13	12	18	16	6	18	126
riscentaneous.,										0.70
Totals	269	350	317	250	265	320	343	304	317	2,735

# APPENDIX A.

# PRINCIPAL JUDGMENTS OF THE BOARD FOR THE NINE MONTHS ENDING DECEMBER 31, 1919.

# Re CANADIAN PACIFIC TRAIN SERVICE

The Board has had before it the question of train service given by the Canadian Pacific Railway on—

(1) Suffield-Lomond Branch, which runs out of Suffield into Lomond, Alberta.

(2) Irricana-Bassano subdivision, which runs southeast from Irricana to Bassano, a point on the main line.

(3) Sterling-Manyberries Branch, which runs out of Sterling to Manyberries.

(4) Langdon Subdivision, having regard to movement from Langdon, Irricana, and Acme.

The present schedules of the company were reduced and the earnings were such that the reduction was justifiable during the past winter. Conditions have now changed and better service is required to enable proper development during the ensuing season.

The present service on the Suffield-Lomond Branch consists of one mixed train a week. This service now ought to be improved, and the old service which consisted of two trains a week restored.

Irricana-Bassano subdivision. The same considerations should apply here. The present service is one train a week. The old schedule which called for two trains a week should be again put in force.

On the Sterling-Manyberries Branch the old service of two trains a week should be restored

The complaints from Keoma and Dalroy, on the Langdon Subdivision, is that the present mail service is entirely insufficient. At the present time there is no mail service between Wednesday and Saturday. With the restoration of a service consisting of two trains a week between Calgary and Bassano via Irricana, settlers on this line will have four trains a week.

Their complaint is, therefore, answered by the action above indicated. New train schedules ought to become effective within one week.

# APPLICATION OF THE CITY OF TORONTO TORONTO TERMINALS RAILWAY COMPANY

Application was made by the corporation of the city of Toronto for leave to appeal under section 56 of the Railway Act. The application was opposed by the Toronto Terminals Railway Company, that company objecting entirely to any question being submitted.

While it is true that no answer whatever was made to the application on its merits, that the city is protected, and that railway operations in the city terminals can any in a more than they otherwise would, the Board was of the opinion that leave ought to be given.

The position, is that while the present order may not injure the city, it fears it may establish a precedent to enable other structures to be built and placed upon public highways under circumstances which might injure the municipality. While the Board cannot conceive of this happening in connection with the operations of the Toronto Terminals Company, and while in the past orders have been made without any public states of the Board to make them, carrying conduits under rail-

way tracks, I would follow the Board's settled practice of granting leave to appeal to the Supreme Court of Canada on any legal question on which the Board's final adjudication depends and which is debatable.

Under the circumstances, and in view of the merits as stated at the hearing of the application, no stay of proceedings will be granted. The parties have agreed on the form of question to be submitted, as follows:—

"Whether the judgment of the Board, as set out in the reasons for judgment, was right in determining that the Railway Act, Revised Statutes of Canada, 1906, chapter 37 (as amended), and particularly sections 2 (21), 151 (k), 235, and 237 thereof, and 6 Edward VII, chapter 170 (Canada) confer upon the Toronto Terminals Railway Company the right, subject to the approval of the Board, to construct upon the highways of the city of Toronto the works authorized by the order of the Board."

Order issued accordingly.

APPLICATION OF CITY OF BRANTFORD re SUBWAY ST. PAUL'S AVENUE, BRANTFORD, GRAND TRUNK RAILWAY COMPANY.

This was an application of the city of Brantford for an order directing that the proposed subway at St.Paul's avenue, Brantford, under the tracks of the Grand Trunk Railway Company, be a vehicular subway, including sidewalks for pedestrian traffic, and that the Grand Trunk Railway Company bear the additional expense should the subway be built to accommodate the future requirements of the company.

The application was heard at a sittings of the Board held in Ottawa on July 8, 1919. In so far as the legal position of the parties was concerned that question was dealt with in the judgment of former Assistant Chief Commissioner Scott on a previous application made by the city and heard in Hamilton on April 12, 1917, authorizing the construction of a subway for pedestrians.

The facts are fully set forth in the judgment of Chief Commissioner Drayton, dated August 1, 1919, concurred in by Mr. Commissioner Goodeve. Held that under the circumstances the movement in the railway company's interest would be confined to the necessary movement on the double track in and out of Brantford, and that at present there was no condition that would render other tracks over the subway necessary, conformable to good railway practice. Held, further, that if it became necessary the matter could be dealt with on an application made subsequently by the railway company to the Board, and that for the present the Board would approve the plans of the city providing merely for a two-track subway.

APPLICATION OF THE NATIONAL ELEVATOR COMPANY, LIMITED, WINNIPEG, MAN., re ABSORP-TION OF SWITCHING CHARGES.

This was an application of the National Elevator Company, Limited, of Winnipeg, Man., for a ruling of the Board in the matter of absorption of switching charges by a railway company in cases where a car of grain is shipped from the applicants' elevator at Port Arthur, on the Canadian National Railways, and then switched over to the Canadian Pacific Railway and billed to Cartier for orders, the applicants paying a stop-off charge and then rebilling the car to Montreal or Quebec as destination.

It appeared that the grain could be shipped from any clevator on the Canadian National Railways at the head of the lakes to Capreol, with the privilege of being held at that point for orders for furtherance to destination; also, in like manner, all grain in elevators served by the Canadian Pacific Railway Company might be forwarded to Cartier with the like privilege. It further appeared that grain so forwarded had

not to be interswitched; that no unnecessary rail service had to be performed and that at certain periods the head of the lake terminals of both systems were busy and the grain movement most intensive. It was also shown that the present issue related to cars moved off the terminals of the one line to the tracks of the other for the eastern movement with the right of stop-off.

The facts are fully set out in the judgment of Chief Commissioner Drayton, dated August 1, 1919, concurred in by Deputy Chief Commissioner Nantel and Commissioners Goodeve and Boyce, holding that there was no discrimination between the shippers and that like privileges were open to all, and all shippers to a stop-off p int receive the same treatment, and that the application should be dismissed.

APPLICATION OF THE DOMINION MILLERS' ASSOCIATION et al for revision of rule no. 9, BOARD'S GENERAL ORDER NO. 201.

This was a complaint made by shippers and consignees who desired that the present demurrage talls should be decreased. No complaint was made as to the basis of the transit thrift. On the other hand, shippers thought it more equitable than the tariff in for the limited States. The whole question, therefore, was one of the amount.

The application was opposed by the railway companies, who were desirous of getting as many cars as possible on hand for the grain movement and of keeping terminals as free as possible, so as to prevent congestion and blocking the movement.

The facts are fully set forth in the judgment of Chief Commissioner Drayton, deser August 1, 1919, concurred in by Commissioners Goodeve and Boyce, holding that in the middle interest no reduction could be made under the existing circumstances, and that the application should be dismissed.

APPLICATION OF THE CANADIAN PACIFIC RAILWAY COMPANY TO RESCIND ORDER OF THE BOARD  $r_{\mathcal{C}}$  Oakville train service.

This was an application of the Canadian Pacific Railway Company to the Board for an order is inding Order No. 27688, dated September 16, 1918, in the matter of the stoppage of the company's train No. 821 at Oakville, Ont.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated August 8, 1949, amourted in by Mr. Commissioner Boyce, granting the application.

APPLICATION OF J. L. ATKINSON, KILGARD, B.C., FOR FARM CROSSING, VANCOUVER, VICTORIA
AND EASTERN RAILWAY.

This was an application of J. L. Atkinson, of Kilgard, B.C., for an overhead farm the form of the trades of the Vancouver, Victoria and Eastern Railway and Navigation Company.

The facts are fully set out in the judgment of former Assistant Chief Commissioner Scott, dated June 26, 1918, concurred in by Chief Commissioner Drayton and Commissioner Goodeve, dismissing the application, Commissioner Boyce dissenting.

APPLICATION OF CANADIAN PACIFIC RAILWAY COMPANY FOR RESCISSION OF BOARD'S ORDER NO. 26671.

This was an application of the Canadian Pacific Railway Company for reconsideration and rescission of the Board's Order No. 26671, dated October 22, 1917, in connection with switching charges on cars at Drumheller, Alta.

The order referred to was issued in accordance with the judgment of Mr. Comnich me to have communicated in by Chief Commissioner Drayton, based on the contents as submitted at the hearing in July, 1916, at the sittings of the Board held at Calgary.

The company were given an opportunity to file a statement showing the practices which in fact apply in connection with other private sidings, and at the coal mines, and the company filed its memorandum covering these points, dated at Winnipeg, November 23, 1917. On receipt of this memorandum the whole matter was referred to the Board's Chief Traffic Officer with a direction to make a careful study of the whole situation and submit his report to the Board as of the above information, as well as previous evidence taken. Following this direction the Board's Chief Traffic Officer made a carefully considered report on December 5, 1917, in which he recommended for adoption a revised basing scale.

The facts are fully set out in the judgment of Commissioner Goodeve, dated August 21, 1919, concurred in by Commissioner Rutherford, holding that the rates and conditions as set forth in the Chief Traffic Officer's report were fair and reasonable and should be adopted by the Board, and that an order should be issued accordingly.

APPLICATION OF BROCKVILLE MOULDING SAND COMPANY, LIMITED, re GRAND TRUNK RAILWAY SIDING.

This was an application made by the Brockville Moulding Sand Company, Limited, of Montreal, for an order directing the Grand Trunk Railway Company to construct a spur for the applicant company to serve its property on the Bressee farm, two and one-half miles west of Brockville, the farm being situated on lot 22, first concession of the township of Elizabethtown.

Objection was taken by the Grand Trunk Company to the construction of the spur on the grounds that the siding involved a break in their main line between stations and that the proposed connection was on a very busy part of the line running off a curve, and that in addition it was on a one per cent grade descending with the current of traffic. It was proposed by the railway company that instead of the connection as asked for a siding leading from the connection with the company's tracks at the west end of Manitoba yard and extending parallel and adjoining the eastbound main line for a distance of about one mile be constructed.

The facts are fully set forth in the judgment of Assistant Chief Commissioner McLean, dated September 4, 1919, concurred in by Deputy Chief Commissioner Nantel and Mr. Commissioners Goodeve and Boyce.

Held that in the general interests the opening up of the deposit of moulding sand in question should be allowed and the application granted. Held, further, that whatever protection, if any, which may at any future time be found necessary by the Board, must be provided and maintained at the expense of the applicant company, its successors or assigns. Held, further, that the disposition made was without prejudice to any application which might at any time be launched by the municipality in regard to the operation or location of the spur.

# APPLICATION OF THE VANCOUVER ICE AND COLD STORAGE CO., LIMITED, re CANADIAN PACIFIC RAILWAY SIDING.

This was an application for leave to terminate the siding agreement between the Canadian Pacific Railway Company and the Vancouver Ice and Cold Storage Company, Limited, the removal of the spur being necessary owing to the double track of the Canadian Pacific into Vancouver, which constituted a proper development of the railway facilities. As the spur in question was built upon the company's statutory right of way and was also so placed as to interfere with the double track, and as the width of the right of way did not permit the laying of another private spur, there was no room on the railway property to accommodate another private siding. Two matters were involved in the application: (1) the question of affording facilities to the Vancouver Ice and Cold Storage Company, and (2) the distribution of cost as between the parties.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated September 5, 1919, concurred in by Commissioners Goodeve, Rutherford and Boyce.

Held that under all the circumstances involved the offer made by the railway company was a reasonable one and that the application for removal be granted.

APPRICATION OF THE CANADIAN NORTHERN RAILWAY COMPANY TO CROSSING EAST OF VILLAGE OF MCGEE, SASK

This was an application of the Canadian Northern Railway Company for an order an order the Board's Order No. 19686, dated June 25, 1913, by providing that the cast of construction and maintenance of the crossing east of the village of McGee, in the province of Saskutchewan, be placed upon the municipality and the Canadian Tana, Proporties, Limited, successors in title to Messrs Mackenzie, Mann and Company, Limited.

By order of the Board No. 19686, referred to, the Canadian Northern Railway temperatures authorized to construct a highway across its line at McGee townsite, in the northwest to a section 19, township 29, range 16, west of the third meridian, at its own expense.

The facts are fully set out in the judgment of Mr. Commissioner Rutherford, dated September 8, 1919, concurred in by Assistant Chief Commissioner McLean.

Held that in consideration of all the circumstances, including the close relations to up the mine period, between the railway company and the townsite company, and especially of the small expenditure required and on the special facts involved, the Hamon management is insisting on the enforcement of its Order No. 19686 as originally issued, and that the application of the railway company be dismissed.

# COMPLAINT OF THE TORONTO BOARD OF TRADE, et al, re INCREASED RETURN PASSENGER FARES

This was a complaint of the Toronto Board of Trade and Border Chamber of the mineral. Windows, Ord., against the increased return passenger fares put into effect by the railroad companies on February 1, 1919.

It appeared that the railways of Canada had for a considerable period of time provided round-trip passenger rates at a reduction of one-sixth off the sum of the military this practice had been amended, effective February 1, 1919, by limiting the reduction to ten per cent. The passenger rate practice involved developed, no doubt, as a means of building up traffic. In the case of round-trips between points served by two or more lines of railway the reduction from the sum of the rates held the traffic inbound to the line on which it had moved out. The practice, however, was general, not being limited to competitive situations.

The Board has approved standard passenger rates which are legally filed and middle. To question is now raised whether this having been done the Board has power, in respect of traffic moving on said rates, to direct that a round-trip rate shall enjoy a charge less than the sum held lawful where each portion of the journey is performed as an isolated unit, having no connection with a return.

It was contended, on the other hand, that the round-trip arrangement is a special tribundant, and that where such a rate arrangement has once been put in by a railway the Board has the same jurisdiction.

# In re special freight tariffs governing weighting of carload traffic and allowances in track scale weights.

The Panel and hadron it for consideration the matter of special freight tariffs reverning the weighing of carboal traffic and allowances in track scale weights, and he cancellation of allowance of 1,000 pounds dunnage on agricultural imple-

ments, machinery, stoves, street cars, vehicles, etc., on box or stock cars in the tariffs proposed to become effective May, 1911.

At the hearing of this matter in Toronto on April 25, 1911, the late Chief Commissioner Mabee directed that the effective date of these tariffs be postponed from the 1st day of May to the 1st day of July, 1911, and in accordance with this direction Order No. 13520 of April 27, 1911, was issued.

On complaint against this order a hearing was held in Ottawa on June 20 and 21, 1911. At this hearing the matter was gone into very exhaustively, all the various railways being represented as well as the Canadian Manufacturers', the Canadian Lumbermen's, and the Montreal Lumbermen's Associations. A large number of witnesses were heard on behalf of both the shippers and the railway companies.

As a result of this hearing a judgment was issued by the late Chief Commissioner Mabee under date of July 14, 1911, in which Commissioner McLean concurred; and

Order No. 14389 of July 25, 1911, was issued based on this judgment.

The effect of these orders was to indefinitely postpone the effective date of the Tariffs C.R.C. No. E-2312, G.T.R., and C.R.C. No. E-2067, C.P.R.

Upon the application of the Canadian Freight Association for a ruling of the Board as to the proper allowances to be made for track scale weights on various commodities, this matter was again taken up and a hearing held at Ottawa on March 18, 1913.

The result of the cancellation of the Tariffs above referred to was that the allowance made in the Tariffs of the carriers previous to May 1, 1911, were continued in effect. Similar provisions are in effect to-day.

It will be seen by a comparison of the foregoing that the proposals of the carriers was to do away with allowances for blocking, dunnage, and temporary racks used in connection with the bulk of the freight shipments in cars covered by these tariffs.

Dealing first with the question of dunnage:-

"Free transportation of dunnage in closed cars is obviously based on two principles: (1) that the dunnage constitutes a part of the carrier's equipment and as such is not subject to a transportation charge, or (2) that the charges for the transportation of dunnage in cars are included in the charges for the transportation of the commodity in connection with which it is used." 52 I.C.C. Actna Explosives Company v. Pennsylvania Railroad Company et al.

The whole controversy revolves around the principles set out in the above quotation, the shippers contention being that dunnage is not only for the protection of the goods, but that it is a protection against damage in transit; that decks have to be put in, in order to enable the shippers to load to the minima established by the tariffs of the railways; that the railways are benefited in that dunnage has the effect of reducing damage claims to a minimum, and enables loading to capacity, so that the companies receive greater earnings per car. They argued that the shippers furnished the material and labour as their share, and the carriers should furnish the transportation.

The carriers answered "that if these goods could be completely boxed as in package freight, then shippers would pay, in addition to the cost of labour and material for easing or boxing, the freight on the weight of the material used at the same rate as on the goods." They contended that standard box, stock, ventilator, and refrigerator cars, in good repair, will accommodate all the ordinary and usual needs of shippers, and that if more than this is demanded because of the form, nature or peculiar characteristics of the goods tendered for conveyance, some obligation must attach to the shipper in connection with the additional demand.

I do not think, however, that this answer altogether meets the situation, nor covers the conditions involved.

Most of these carload goods are wholly or partially crated or boxed by or at the expense of the shipper. Stoves were instanced as being completely crated, and that this crating was sufficient to enable them to be safely hauled and handled to and from the cars. In reply to a question by the Hon. Mr. Mabee, vol. 129, p. 4861, it was stated that these stoves were reshipped l.c.l., without any additional packing or crating, to the various stove dealers, the dunnage having been used to enable them to be leaded to the required minimum and to protect them from damage in transit in carload lots.

This condition would apply more or less to all classes of merchandise in question

shipped in carload lots and requiring dunnage.

The shippers argued further that these things are necessary for the purpose of moving this particular form of traffic; that the railways had recognized this necessity and had made these allowances, and that as a result of the practice, continued for many years, traffic had grown up under it; that it was mutually beneficial to the shippers and railways, and that it should not now be withdrawn.

Mr. Beatty stated at p. 2041, vol. 173, of the evidence, that "it has been admitted by all varies all the way through this inquiry, that no one of them wanted to collect ary more or less than was obsolutely proper in the circumstances." This statement was not disputed, and may be accepted as the attitude of both the shippers and the

carriers.

The question now resolves itself into what is a fair allowance to be made. At present there is an allowance of 1,000 pounds per car. The railways wanted this reduced to 500 pounds, and the shippers were willing to accept 800 pounds, as the maximum. Mr. Walsh, for the Canadian Manufacturers' Association, contended that sob pounds was a fair average. Mr. Beatty disputed this. No conclusive evidence is on file as to this.

After careful consideration of all the arguments as set forth at the various hearings, and on file with the Board in connection with this matter; and in view of the long-standing practice voluntarily put into effect by the carriers, and the selection of certain commodities upon which, no doubt, because of their peculiar characteristics the carriers felt it was in the interest of traffic to make these allowamore; and because these have undoubtedly proved a factor in the wider distribution and more general use of those commodities at a lesser cost to the public, I am of the opinion that some allowance should continue to be made.

It the actual weight were always obtainable I think it should be allowed, but for reasons already pointed out it has been found that this is not always possible.

Under all the circumstances I think the allowance for dunnage should be for the : tual weight therent, subject, however, to a maximum allowance of 650 pounds per car, provined that in to case should less than the established minimum carload rate be character this maximum to apply to agricultural implements, machinery, stoves, stress cars, and vehicles, as set out in rule 24 of Supplement 7 of the Canadian Pacifics Tariff previously referred to. I see no reason why the same rule should not a su : my v senerally to acid in carboys; also to such other articles as may be shown from time to time to require dunnage protection.

Secondly: allowances to cover variation in tare of cars caused by absorption of

moisture, accumulation of ice, snow, etc.

In my opinion, shrinkage in weight due to the inherent nature of the goods should not be observed against the carrier; first, because if the car is loaded to capacity at starting, the corriers haul the full weight a certain distance, and any reduction at the and would be equivalent to giving a certain amount of free tonnage. It cannot be said that the reduction represents the average weight hauled, for this will differ with the condition at time of loading, distance hauled, temperature and general weather conditions; second, and I think more important, the carrier is deprived

of the full earning capacity of the car. This principle is recognized in section F of rule 8 of Circular No. 1433 of the American Railway Association. I would apply the same remarks to wood-pulp (wet).

On the other hand, I see no reason why any allowance made to cover variation of the tare of cars caused by absorption of moisture, accumulation of ice, etc., should

not apply. This will be dealt with farther on.

Bark: The present allowance runs from 500 to 2,500 pounds, depending on the season of the year and the class of car used. These allowances, in the case of open cars, include the racks, with which I deal later. The suspended tariffs made no allowance for car variations, and left the deduction for snow, etc., to the weighman's judgment.

Lumber and other rough forest products: from 500 to 1,000 pounds. In the suspended tariffs the situation (racking omitted) was the same as in the case of bark. Rule 8, section E of A.R.A. Circular 1433 already referred to is as follows:—

"The tolerance shall be one per cent (1%) of the lading, with a minimum of 500 pounds on all carload freight, including coal and coke, except that when ashes, cinders, clay, dolomite, ganister, gravel, mill-scale, ore, sand, slag, all stone (not cut), and similar bulk freight, brick and soft drain tile are loaded in open cars, the tolerance shall be one per cent (1%) of the lading with a minimum of 1,000 pounds."

It will be seen that under this rule there is an allowance for tolerance upon all carload freight of one per cent (1%) of the lading, subject to a minimum of 500 pounds; while upon certain heavy low-priced commodities, loaded on open cars, the minimum is fixed at 1,000 pounds.

Under this ashes (and I would here call attention to the fact that the tariff does not specify the kind of ashes, but presume wood ashes loaded in box cars is meant), would receive a minimum allowance of 500 pounds against the present allowance of 500 to 1,000 pounds, depending on season. (If furnace ashes are assumed, if loaded in open cars the minimum would be 1,000 pounds.)

Bark, in like manner, when loaded in box cars would receive a tolerance minimum of 500 pounds, and the same for open cars. The present allowance is 500 pounds for box cars, and from 1,000 to 2,500 pounds for flat or gondola cars, the latter, however,

including the racks, etc.

Lumber and other rough forest products would also receive a minimum allowance of 500 pounds, when loaded in box cars, against the present absolute allowance of 500 pounds, or when loaded on flat or gondola cars an additional 500 pounds, making a total minimum of 1,000 pounds as against the present maximum of 1,000 pounds.

Wood-pulp (wet) would receive a minimum of 500 pounds compared with the

present allowance of 1,000 pounds.

Therefore, in view of the fact that rule E above quoted is general in its application and would do away with all question of discrimination; that it is in general use in the United States, and that it would be in the interest of uniformity of practice, I would adopt it, in lieu of the present allowances, to cover variations in tare of cars caused by absorption of moisture, accumulation of ice, snow, etc.

Thirdly: Perishable freight in box or stock cars lined with lumber by the shipper; Present allowance 1,500 pounds, with an additional allowance of 500 pounds when containing stove and fuel. I think this clearly comes under the first of the two principles cited upon which dunnage allowance is herein based, viz., that dunnage constitutes a part of the carrier's equipment and, as such, is not subject to transportation charges.

Undoubtedly, under the facility clauses of the Railway Act, it is a duty of the carriers to furnish proper cars for the safe and adequate handling and carrying of

these commodities. I do not think this is disputed by the carriers, as in the tariffs disall and they make provision for this. I would adopt this rule, which is as follows, as appearing in G.T.R. tariff C.R.C. No. E.2312, rule 10 (c):-

"(c) Allowance will be made for the weight of lumber required to line box cars loaded with perishable freight, in carloads, provided consignor makes declaration on bill of lading at shipping point as to the number of feet so used, such allowance to be computed at 21 pounds per foot board measure, but not to exceed a weight based on 800 feet board measure, per car. Agent at shipping point will make notation on waybill showing the number of feet so used. An additional allowance of 500 pounds per car will be made for stove and fuel. No allowance to be made when refrigerator cars are used."

Fourthly: In regard to the "500 pounds per car allowance made for the weight of standards, strips, stakes, supports and temporary racks on flat or gondola ears if I del vith shipments requiring their use, in addition to such allowances as are already provided in their tariff," apparently there is no dispute, a similar allowance having been made in the disallowed tariffs. It is also the same as rule 19-B of the Official Classification.

Bark, owing to its peculiar physical characteristics of form and weight, when loaded on flat or gondola cars, requires special protection for safety in shipping. The usual practice is to provide for this by means of permanent or temporary racks. The corries, perenising this necessity, have provided in their tariffs allowances to cover the weight of these racks. Owing to the fact that tolerance is included in the amounts named, it is a little difficult to decide just what the allowance in the present tariff is.

I have concluded, however, from an analysis of the tariffs that the amount allowed for the weight of permanent racks is 1,000 pounds, and for temporary racks 1,500 pounds, the balance named being for tolerance; the difference in the allowance made between permanent and temporary racks probably being accounted for by the fact that rough temporary racks would weigh more than the permanent racks. In the tariffs disallowed an allowance of 1,000 pounds weight per car was made for temporary racks on flat or gondola cars loaded with shipments of bark. It is evident the carriers regruled that the average weight of these racks is greater than the average weight of standards, strips, stakes, etc., used with the shipment of other forest products.

I am of the opinion that the rule in the disallowed tariffs making an allowance of 1, both coupoil for temperary stacks should be adopted, this in addition to the allowance for tolerance.

Where permanent racks are used they should be included in the tare of the car, if not so included the same allowance should be made.

The facts are fully set forth in the judgment of Mr. Commissioner Goodeve, dated Soft miles to 1010, conscurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean and Mr. Commissioner Boyce.

COMPLAINT OF THE KILGOUR MANUFACTURING COMPANY, HAMILTON, ONT., TO GRAND TRUNK RAILWAY CAR RENTAL.

The was a complaint of the Kilgour Manufacturing Company, of Hamilton, Chu., in connection with bills presented by the Grand Trunk Railway Company for car rend I which account owing to the original charges on the car being held in dispute with the railway company and unpaid by the consignee.

The fauls are fully set out in the judgment of Mr. Commissioner Goodeve, dated Supronder 13, 1918, concurred in by Chief Commissioner Drayton.

Hold that sufficient facts have not been submitted by the complainants to justify the Board in granting the relief asked for.

In re APPLICATION OF THE QUEBEC, MONTREAL AND SOUTHERN RAILWAY COMPANY TO INCREASE PASSENGER RATES.

This was an application of the Quebec, Montreal and Southern Railway Company for permission to increase from 3.45 cents to 4 cents per mile the rate shown in tariff C.R.C. No. 262 as standard passenger fare between all stations on the company's line in Canada.

The matter came on for hearing at the sittings of the Commission when a large amount of statistical detail was submitted bearing upon the condition of revenues and expenses of the company up to the end of November, 1918. During the year 1918 a very considerable increase in freight revenues was shown, this being due to war conditions, the item of coal tonnage being a matter of importance. In this connection the traffic was not a regular one and it was, therefore, justifiable to have before the Board a situation in which the traffic was more normal, and to consider costs in connection with the handling of such more normal traffic.

The railway has a main line mileage of 191 miles. The application being one relating to passenger fares and concerned with the costs of the passenger traffic, this phase of the situation must have special attention directed to it. At the same time, an analysis of general revenues and expenses is of value as showing the condition of

the road.

The railway has not during the last five years or more given any return upon the capital invested in the road. The whole question has been one of whether operating revenues would met operating expenses. It was stated at the hearing that the railway had not at any time made any return upon the capital invested. This being so, in the analysis which is made all reference is omitted to return on capital invested. That is not to say that the latter is not a legitimate factor to consider in connection with rate matters. It manifestly is a legitimate factor. At the same time, it should be pointed out that the contention of the railway did not direct itself to the matter of returns upon capital; it concerned itself with the allegation that there should be a closer approximation between operating revenues and operating expenses. A statement of the investment in the road and equipment submitted by the railway as of September 30, 1918, gives a total of \$7,554,656, being made up of investment in road \$5,634,602, investment in equipment \$1,920,003. Fractional amounts are omitted.

In order to understand the general situation of this line, the period from 1913 is taken. At the hearing, returns were submitted showing the condition by fiscal years down to 1917, and showing an average annual deficit during this period of \$70,000. Figures have also been submitted for the calendar years down to 1918, and detail has

been supplied for the first seven months of 1919.

The facts are fully set forth in the judgment of Assistant Chief Comissioner McLean, dated September 17, 1919, concurred in by Deputy Chief Commissioner Nantel, holding that on due consideration of the various factors concerned, the conclusion is unavoidable that the burden of proving that the increase in rate in question is justifiable has been successfully borne by the railway company; and that an order should, therefore, go authorizing the increase in the standard rate, subject to compliance with the terms of the Railway Act.

COMPLAINT OF THE HENDERSON FARMERS' LIME AND PHOSPHATE CO., WOODSTOCK, ONT.,

re rates on agricultural limestone.

This was a complaint of the Henderson Farmers' Lime and Phosphate Company, of Woodstock, Ont., against the proposed increase in rates on agricultural limestone. The complainants based their protests on the following facts:—

1st. The Railway Companies have been granted four increases in the past two years amounting in all to 60 per cent.

2nd. Such increases have militated against their business to an alarming extent and a further increase will simply close their plant altogether.

and. The rates at present in force are out of proportion to the value of the goods.

By Order No. 28073, dated February 5, 1919, and upon it appearing that a similar advance in rates to that involved in this application was proposed from Beachville, Ont., prevision was made for the suspension of Grand Trunk Railway Company's Supplement No. 16 to Tariff C.R.C. No. E-4024, and the cancellation of item 195 in the Canadian Pacific Railway Company's Supplement No. 14 to Tariff C.R.C. No. E-3551.

The matter was subsequently set down for hearing in Toronto and was also heard to a later date in Ottawa to consider, inter alia, additional evidence put in by Mr. Walsh on behalf of the Canadian Manufacturers' Association. Evidence was also given by Mr. Essery for the Crushed Stone, Limited, of Kirkfield, Ont.

Since the final learning, additional communications have been submitted both by the Urushud Stane, Limited, and by the Henderson Farmers' Lime and Phosphate Company. Communications have also been received from the railways. The matter

is now ripe for judgment.

On February 15, 1918, there was a hearing in Toronto on the application of the Humberson Furmers' Lime and Phosphate Company, of Woodstock, Ont., for lower than the resultural stone dust, in carloads, from Beachville, Ont., to various points, than the commodity rates then in force.

And mout in this matter issued holding that the existing rate basis was found not to be unreasonable, and Order No. 27378 issued in due course. Detail as to the nature and use of agricultural limestone is set out in the judgment.

Hold, Assistant Chief Commissioner McLean, in his judgment, dated October 1. Latt. concurred in by Deputy Chief Commissioner Nantel and Commissioners Gouleve and Rutherford, that the further increases proposed had not been justified.

APPLICATION OF THE NEW BRUNSWICK RAILWAY COMPANY TO CONSTRUCT TWO INDUSTRIAL SIDINGS, TEMISCOUATA RAILWAY.

This was an application of the New Brunswick Railway Company, operated by the Canadian Pacific Railway Company, under sections 222, 227 and 237 of the Railway Act. in construct two industrial sidings at Mileage 56.8, Edmundston Subdivision, in the town of Edmundston, N.B., and in doing so, it will be necessary to cross the main line of the Temisconata railway at that point, to reach the pulp-mill of the Frasor Companies. Limited, situate about half a mile west of the proposed crossing.

The facts are fully set out in the judgment of Chief Commissioner Carvell, dated October 3, 1919, concurred in by Assistant Chief Commissioner McLean, Deputy

Chief Commissioner Nantel, and Mr. Commissioner Rutherford.

Hold that the applicants have the right to cross the tracks of the Temiscouata under the direction and to the satisfaction of the Chief Engineer of the Board, reserving to the Board the right, at any future time, to make any additional order for the traction of trains or the public at this particular point. Held, further, that the est of planing the diamond should be borne by the applicant company.

COMPLAINT OF THE CANADIAN MANUFACTURERS ASSOCIATION re GENERAL ORDER NO. 162.

Complaint was made by the Canadian Manufacturers' Association that the conditions of central with telegraph companies imposed no obligations or penalties for tailing to transmit messages received by the company for transmission, and provision was sought by amendment to the conditions of traffic sanctioned by Board's Order

No. 162, of the 30th March, 1916) for the imposition of penalties for non-delivery, in such cases as are due to gross negligence of the telegraph company, even though the

message is not repeated.

The whole wide question of the liabilities attaching to telegraph companies, involving the point complained of, was fully considered by the Board upon the application which resulted in the order above referred to (No. 162). The question was further, incidentally, considered by the Board on the application of the Great North Western Telegraph Company, the Canadian Pacific Railway Company's Telegraph, and the Grand Trunk Pacific Telegraph Company, for an order approving conditions varying those approved by the Board by Order No. 162, the object of such application being to vary the conditions so sanctioned in a manner which would more fully relieve the telegraph companies from liability, to sender or addressee, whether from negligence or otherwise, in respect of receipt, transmission, and delivery of messages.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, dated October 7, 1919, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean, and Deputy Chief Commissioner Nantel, dismissing the complaint.

APPLICATION OF CITY OF TORONTO re APPORTIONMENT OF COST OF ALTERATIONS TO MAINS OF CONSUMERS' GAS COMPANY, OF TORONTO.

This was an application of the corporation of the city of Toronto for an order apportioning the cost of alterations to the mains of the Consumers' Gas Company, of Toronto, necessitated by the construction of subways at Yonge street, Avenue road, Bathurst street, Davenport road, Howland avenue, Spadina road, Shaw street, Christie street, Dovercourt road and Ossington avenue, in connection with the North Toronto grade separation work.

The facts are fully set out in the judgment of Chief Commissioner Carvell, dated October 10, 1919, concurred in by Assistant Chief Commissioner McLean, Deputy

Chief Commissioner Nantel, and Mr. Commissioner Goodeve.

Held that the work in question was simply a matter of contract between the two corporations, and that the Board, therefore, should not interfere after the matter had been closed to force the Consumers' Gas Company to repay moneys which were paid to them by contract and even after a discussion had arisen between the respective parties as to their right to a contribution from the Consumers' Gas Company, should the Board so desire, and that the application should be dismissed.

COMPLAINT OF THE WOODSTOCK BOARD OF TRADE, re RATE ON COAL, CANADIAN PACIFIC RAILWAY.

This was a complaint made by the Woodstock Board of Trade, N.B., against the rate charged by the Canadian Pacific Railway Company on coal from Minto, N.B.

The matter was heard at the sittings of the Board held in St. John on July 22, 1918, and at the hearing not only were the coal rates from Minto attacked, but also coal rates from Bangor to Woodstock. Subsequent to the hearing the Hartt Boot and Shoe Company, of Fredericton, intervened, as well as the Canadian Manufacturers' Association on behalf of the Hartt Company; and at the request of the Association, who desired to go further into the matter, the matter was held over for subsequent disposition.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated August 21, 1919, concurred in by the Deputy Chief Commissioner

Nantel and Mr. Commissioners Goodeve and Boyce.

Held that while the Fredericton Grand Lake Coal and Railway Company was to be a work for the general advantage of Canada its corporate entity was not eliminated, and that consequently the interline movement as between the Fredericton Company and the Canadian Pacific Railway Company must be treated as a two-line haul.

Hold, further, that when the provisions of the Railway Act as to the filing of standard trriffs had been complied with and joint rates had also been put in, that the matter would be gone into further, and that if the rates so filed did not satisfactorily take care or the situation, the Board would afford an oportunity for a further hearing.

COMPLAINT OF ROBERT PATTERSON, STAMFORD, ONT., TO GRAND TRUNK RAILWAY CHARGES ON SAND AND GRAVEL.

This was a compaint of Rebert Patterson, of Stamford, Out., against the charge of 30 cents a ton on sand and gravel from his pit in Stamford to Niagara Falls,

Ont., imposed by the Grand Trunk Railway Company.

It was pointed out, on behalf of the complainant, that the old rate had been 20 cents per me, and had been in effect for some fifteen years; and that this rate had been last used to be cents per ton, making it prohibitive for them to do business at The Grand Trunk Company did not dispute the fact but pointed out that the more as had been the result of general increases throughout the country necessithe the increased cast in transportation. It was shown that there had been two impures of he his cach brought about by the Eastern Rate and the Fifteen Per Cent ..... bringing the rate up to 30 cents per ton. The last increase of 20 cents a ton bole - amilier P.C. Order 1863 of July 27, 1918, Tariff C.R.C.E.-3986, August 12, 1918.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated Degular 21, 1919, concurred in by Assistant Chief Commissioner McLean and Mr. Commissioner Boyce, holding that a case had not been made out for the reduction

asked for.

COMPLAINT OF MESSRS. BLACK & SON, OF BELLEVILLE, ONT., TO EXPRESS COLLECTION AND DELIVERY IN BELLEVILLE.

This was a complaint of Messrs, Black & Son, of Belleville, Ont., relative to oxpress collection and delivery limits in the city of Belleville, the complaint being that where, a until recently the express company, under an arrangement with an in pend in cartor paid by them, collected the fish boxes of the complainant when really, from the dock at Belleville, day or night, and carted them, free of charge, to the a set and loaded them on the trains for market points, that this arrangement had be neillse attituded as to collection after 5 p.m. daily, after which hour the waggon service must be performed at the expense of the shipper (complainant) or the fish must r unin shoro it was until the next morning's collection, and suffer the deterioration in quality and value of twenty-four hours delay.

The facts are fully set out in the report of Mr. Commissioner Boyce, dated October 27, 1919, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel and Mr. Commissioners

Goodere and Rutherford, recommending that the complaint be dismissed.

Re TRACE SERVICE ON THE QUEREC, MONTREAL & SOUTHERN RAILWAY - SHORE DIVISION. Junior Assistant Chief Commissioner McLean, dated October 28, 1919, concurred

# in by Deputy Chief Commissioner Nantel.

The Quebec, Montreal and Southern Railway Company has as one portion of its system a line down the south shore of the St. Lawrence from Montreal to Fortierville, a distance of 115 miles. The mileage from St. Lambert to Fortierville is 109.6 miles. From St. Lambert, the railway has trackage arrangements into the city. From St. Lambert to Sorel is 44.5 miles, while from Nicolet the distance is 76 miles.

Up to 1918, the passenger service on the Shore Division consisted of two daily trains running mornings and evenings between Montreal and Nicolet; two daily trains also ran from Nicolet to Montreal morning and evening. A local mixed completed the run between Nicolet and Fortierville at the other end of the line.

From the 1st of January, 1918, the Sunday service was cancelled. Again in April, 1918, the company further reduced its service by cancelling the morning train

from Montreal and the evening train from Nicolet.

Upon the application of the Chamber of Commerce of Sorel, the Board ordered the restoration of the train service in effect prior to January, 1918, between Montreal and Sorel, such service to be put into effect on the 10th day of June, 1918; Order No. 27254 issued the 26th day of May, 1918.

A subsequent order dated June 7, 1918, No. 27286, authorized the discontinuation of the Sunday train service in effect prior to January 1, 1918.

On the 17th August, 1918, the company applied to the Board for permission to withdraw trains Nos. 2 and 3, that is the morning train leaving Montreal and the evening train leaving Nicolet, such withdrawal to take effect on the 1st of September, 1918.

The reasons alleged by the company were that the traffic did not justify two trains a day, and that they needed the fuel, the power and the crews for more essential traffic elsewhere, meaning the southern division.

Before the application could be argued before the Board, the company found itself short of men on account of the influenza epidemic, and was allowed, pending a formal hearing, to withdraw its trains Nos. 2 and 3.

During the Christmas and New Year seasons of 1917 and 1918 the service was, on the request of the Board, temporarily reinstated.

A hearing took place at which much statistical detail was submitted in connection with the application of the railway to increase its rates. The statistical detail submitted bearing on the cost of operation of necessity had an important bearing upon the propriety of directing a change in the train service.

As pointed out in the judgment in the Passenger Rate Case, it had seemed proper to allow determination of this matter to stand until it was apparent whether the exceptional costs of operation which attached to the war period constituted a temporary or more enduring condition, and the result was that for the seven-month period ending July 1919, it was abundantly apparent that the costs of operation were continuing on a higher level; and this is evidenced by the fact that during the period in question it took, on the average, 147 cents of expenditure to earn \$1 of revenue. The question whether the Board is justified in directing a re-arrangement which will add to the service now existing must be tested in terms of the operating conditions facing the road.

The railway must as a condition of operating as a railway carrying freight and passengers afford a minimum of service, even although the result of this is operation at a loss. The service which is now rendered by the railway in connection with the carrying of passengers appears to me, however, to have carried the reduction down to the minimum, and I do not see, as at present advised, how it would be justifiable to have any further reduction. Since, however, the railway is on its present freight and passenger operations spending much more than \$1 to earn \$1 of revenue, and since, as pointed out in the Judgment in the Passenger Rate Case, it is not in terms of the analysis there used earning on its passenger business its proportionate amount of cost, it follows that before directing an increase in the passenger service over the minimum now rendered, the Board should be satisfied as to whether the additional cost would be recouped.

its

The service as it existed prior to 1918 was as follows in regard to the movement from Nicolet to Montreal:-

No. 1-Daily, except Sunday; leave 6.20 a.m., arrive Montreal 9.15 a.m.

No. 2-Daily, except Sunday; leave Montreal 8 a.m., arrive Nicolet 11.20 a.m. 5.30 p.m., arrive Nicolet 8.30 p.m.

No. 8-Eastbound, leave Montreal 8,25 a.m., arrive Nicolet 11,34 a.m.

7--Westbound, leave Nicolet 3 p.m., arrive Montreal 6.15 p.m.

The service between Fortierville and Nicolet was as follows:-

Westbound.

No. 9-Mixed; leave Fortierville 6 a.m., arrive Nicolet 8.30 a.m. East bound.

No. 10-Mixed: leave Nicolet 5 p.m., arrive Fortierville 7.30 p.m.

The service now rendered between Nicolet and Montreal is as follows:-

No. 1-Daily, except Sunday; leave Nicolet 6.30 a.m.; arrive Montreal 9.45 a.m.

No. 4-Daily, except Sunday; leave Montreal 6 p.m.; arrive Nicolet 9.20 p.m.

The service between Fortierville and Nicolet is as follows:-

Westbound.

No. 9--Mixed; tri-weekly, Monday, Wednesday and Friday: Leave Fortierville 6 a.m.;

Eastbound.

No. 10--Mixed; tri-weekly, Tuesday, Thursday and Saturday: Leave Nicolet 5 p.m.;

What is in effect desired by the municipalities concerned is the reinstatement of trains Nos. 2 and 3, and in general, replacing the service as it was in 1917. On the other hand, this is objected to by the railway from the standpoint of expense.

Every curtailment of service of necessity raises objection. Where it is possible to have frequent service—the highest type of convenience—this is very satisfactory to the public and by encouraging travel reacts advantageously upon business, and no doubt is a factor of importance in developing through travel and social intercourse the amenities of life. At the same time it must be recognized that all this must be paid for, and if the service desired is of such a type as cannot be met out of the revenues of the company this must be given due weight by the regulative body.

The test of what the reinstatement of the 1917 service would mean can be checked out by checking train-mile costs.

In the hearing at Montreal, computations were submitted analyzing operating wats. While freight and passenger revenues are readily reported under separate headings, the subdivision of operating cost between freight and passenger business must of moressity, to a certain extent, be a matter of computation. Certain items may be allocatable directly; other items cannot be so allocated.

In an exhibit filed by the Quebec, Montreal and Southern Railway Company, it was printed out that the train mileage basis was arrived at by adding to the passenger train nilleage are third of the mixed train mileage, the resulting sum of passenger train mileage amounting to 53 per cent of the total train mileage. Train mileage may be regarded as affording one reasonable index of cost. The passenger train-mile cost of \$2.77, later referred to, is as pointed out, the computation arrived at in the whillt reteried to.

The round trip from St. Lambert to Fortierville is 218 miles. As already pointed out, St. Lambert is the point where the Quebec, Montreal and Southern tracks stop and is 6.2 miles from Montreal. The service, which it is asked should be reinstated, would mean additional train mileage of 218 miles per day. If the service on the old schedule were reinstated for six days a week the train mileage involved would be 68,234. Adding a Sunday service, the additional train mileage for 52 days a year from Nicolet to St. Lambert would be 7,904.

In exhibit 5, filed at the hearing, a computation was given that for the first eleven months of 1918 the passenger train-mile cost was \$2.77. Taking this basis, the 68,234, passenger train miles required for the daily service, exclusive of Sundays, would have a cost of \$189,008. The business of the road is concerned with short hauls. For 1913 to 1918, the average passenger journey in miles ran from 21 and a fraction to 23 and a fraction. During the same period, the average fare received from each passenger ran from 55 cents to 61 cents.

Since, in 1918, the average amount paid by each passenger was 61 cents, the number of additional passengers it would be necessary to carry in order to meet the train-mile cost involved will be obtained by dividing this train-mile cost, as above given, by 61. This gives a total of 310,013 passengers it would be necessary to carry to offset the cost. Adding to the passenger train mileage for week days the 7,904 passenger train-miles for Sundays would give a total of 76,138 passenger train-miles. At the average cost of \$2.77, as given, this would give a cost of \$210,902, which, divided by 61, would give the total number of additional passengers it would be necessary to carry in order to meet this increased cost. The number is 345,737.

In the figures submitted in exhibit 5, as referred to, it was set out that against the passenger train-mile costs of \$2.77 there were actual passenger train-mile earnings for the eleven months ending November, 1918, of \$1.63. If these figures are taken as characteristic, there would be the following result from the additional train service recommended:—

Passenger train-mile Passenger train-mile				\$210,902 124,104
Deficit	 	 	 	\$ 86,798

If, instead of taking the figure of \$2.77, an average figure of \$2 per train-mile is taken, as a test suggested by the Board's Chief Operating Officer, there would be an additional train-mile cost for a service of six days a week of \$136,468. This at average receipts per passenger of 61 cents would require the carriage of 223,717 passengers additional to offset the increased cost. If a Sunday service were included, this would require in addition, on the same bases, 25,914 passengers.

As bearing on the possibility of an increase in passenger business sufficient to recoup the additional costs involved, it may be noted that the highest figure in respect of passengers carried in the period 1913-18 was in 1917, when 273,127 passengers were carried. The figures are for the years ending June 30. The average for the period was 254,922, while the absolute figure for 1918 was 243,371.

Carrying the analysis back for the period 1908-12, the highest figure in that period was in 1910, when 280,584 passengers were carried. The average for the period was 249,770.

The figure of \$1.63 per passenger-mile in 1918 is not a conclusive test of the volume of business and its return. The extent to which this exceeds that obtaining in 1917 is in great degree due to the reduction in passenger train-miles in 1918, affording, in consequence, a smaller divisor in striking the average passenger-mile earnings. The year 1917 had in force the service which it is now desired should be reinstated.

For the calendar years 1917 and 1918 the following statements as to gross earnings from passenger train service are available:—

Passenger Revenue. Tickets. Excess baggage. Mail. Express Other passenger train revenue.	1917. \$162,608 14 1,103 32 5,264 75 13,815 57 255 50 182 24	1918. \$132,039 13 976 34 5,181 99 15,869 73 114 90 114 09
Total passenger train revenue	\$1/8/3,22/9 52	\$154,296 18

Notwithstanding the larger volume of passenger revenue in 1917 and notwithstanding the larger part played in that year by other receipts incidental to passenger train may ment, the passenger train-mile earnings for the year were only \$1.19. It is not an air to take this as an approximate criterion of the earning power, under a reinstatement of the 1917 service.

Future the matter in a summary way, to meet the additional train-mile costs compute form a basis of \$2 per passenger train-mile, it would necessitate the railway, and it is of a six day a week service, and including the number carried in 1918, having to very a total of 467.088 passengers; and the inclusion of a Sunday service and the effecting of its costs would necessitate adding 25,914 to this. As against these errore, attention may again be drawn to the fact that the largest passenger may nouns during a ten-year period were in 1917 and 1910, when the figures were 273,127 and 280,584, respectively.

On the analysis as made, it does not appear how there can be a sufficient increase in passes to business, taking into consideration the volume, average haul and average admits per passes on the take care of the cost the additional service would necessite. It is further to be borne in mind that the computations do not take into consideration any practices appearation. If an operating ratio of 75 per cent is taken—and this has in various connections been taken as a reasonable operating ratio under the manufacture of the result would be to add one-third to the necessary takings. The Lat that the tailway instead of having an operating ratio of 75 per cent has one of 147 per cent does not justify disregarding a more normal situation.

The control of the train service as it was in 1917 has been earnestly in an I posted stars has been laid on the reinstatement of the services afforded by trains 2 and 3, referred to above. It may readily be that under more normal matter as to revenue and expenditure, the existing train service might be held to be one which would not satisfactorily take care of the traffic.

The matter of the carnings of trains 2 and 3 may be measured in another way from the matter into the relation between the out-of-pocket costs of the service and the carnings old fined. In the case of service on the Grand Trunk between Sherbrooke and Cathook Board's file 27563.10), a situation was developed where (a) the need for the relation of the existing service was established, (b) the earnings were slightly in excess of the out of pocket costs, exclusive of any return to overhead costs.

Applying the same method as used in the above case, the round trip costs for the service performed by trains 2 and 3 on the Quebec, Montreal and Southern Railway would, as checked by the Board's Operating Department, be as follows:—

Wages of trainmen	\$ 14	3/3
Wages of enginemen	14	59
Overtime for station agents, estimated	_	72
Fuel for locomotive, 4 tons at \$5.83	314	
Lubricants	· ·	56
Supplies		71
Water	-	0.4
Handling	11	3. 1
Repairs, engine	41	
Rental		9.0
Car repairs		8(0
Car rentals	2:0	0.0
	\$151	8:4
	4101	

The latest figures obtainable for the earnings of the trains in question are for the years 1915 and 1916. In 1915, train No. 2 earned 80 cents per passenger train-mile, while No. 3 earned 63 cents. This would give the following figures:—

Train													\$ 60 4.8	
	Т	'ota	l for	round	trip	)	 	 	 	 	 	 	\$109	28

For the year 1916, the figures are 72 cents and 86 cents, respectively, giving the following totals:—

Train No. 2, earnings	 • • . • •	 	 \$ 54 72 61 92
Total for round			\$116 64

With out-of-pocket expenses \$151.84, the deficit on 1915 figures would be \$42.56 daily, or \$255.36 per week.

On 1916 figures, the deficit would be \$35.20 daily, or \$211.20 per week.

In the figures as to out-of-pocket expenses as given, maintenance of equipment is included. To get at the other expenses necessary to keep the road in operation, without any payment by way of interest or dividends, the following details are available for 1918:—

Maintenance of way and structures	\$202,718
General expenses	36,287
Taxes	8,263
Total	\$247,268

In order to obtain the necessary allocation for expenses attaching to passenger business, and for the reasons explained in the judgment dealing with the standard passenger fares of the railway, 28 per cent of this total is taken as representing passenger overhead expense, or a total of \$69,235. The mileage between Nicolet and St. Lambert is 37 per cent of the total mileage of the system. This percentage of the allocated passenger expense above given amounts to \$25,616, and on a daily basis this would amount to \$70 per day.

As pointed out, on 1916 figures trains 2 and 3 would fall short by \$35.20 of meeting out-of-pocket costs. Charging one-half of the overhead expenses against trains 2 and 3, there being two other trains, 1 and 2, in operation, this would give a sum of \$35

to add to the deficit in respect of meeting out-of-pocket costs.

After anst careful consideration of the various factors pertinent, I am unable to see law the service, on what is before us, can be reinstated, without a further

increase in the already large operating deficit.

As printed out in the judgment dealing with standard passenger rates on the Quebec. Montreal and Southern Railway, the Board has been receiving monthly standard and the operations of this road with a view to ascertaining what, if any, improvements have arisen on changed conditions. As pointed out in the judgment in question, changed conditions have not brought about decreased costs; rather the standard is that with a diminution in certain lines of general traffic which developed in connection with war activities, there has at the same time been an increase in the operating costs. The monthly statements with which the Board has been supplied are to be continued by the railway and the Board will obtain such additional information as may seem necessary; and if, on consideration of the information so filed, it attends to the Board that conditions have so improved as to warrant an increase in the train service the Board will then act of its own motion.

COMPLAINT OF RESIDENTS OF WILBERFORCE, ONT., re CANADIAN NATIONAL RAILWAY TRAIN SERVICE.

This was a complaint of the residents of Wilberforce, Ont., and outlying districts, and chiers, that the Canadian National Railways (Irondale, Bancroft and Ottawa branch) intended to run only three trains weekly in place of a daily service as heretofore after October 5, 1919.

It appeared that the Irondale, Bancroft and Ottawa Railway, a subdivision of the Canadian National Railways, was formerly a separate railway. The last separate report for it as a distinct railway is contained in the statistics of the Department of Railways and Canals for the year ending June 30, 1914. Subsequent to that date, the line was acquired by the Canadian Northern Railway.

The line extends from the junction with the Grand Trunk Railway near Kinmount stallor to the junction with the Central Ontario Railway a distance of 51.9

mules.

The report for 1914 showed, in round figures, total earnings of \$32,000. Of this, the passenger earnings represent 29 per cent. The road was operated at a deficit, the operating ratio being 112 per cent. The gross earnings per mile were \$633; the average passenger journey was 16 miles. The tonnage carried averaged 597 per mile.

The facts are fally set forth in the judgment of Assistant Chief Commissioner McLean, dated November 10, 1919, concurred in by Chief Commissioner Carvell and Deputy Chief Commissioner Nantel, holding that under the circumstances the traweckly service, though unsatisfactory in many ways, would have to be allowed. Held, further, that the railway company keep monthly statements of receipts and expeditures to be tiled with the Board not later than April 15, 1920, so that the question of whether there is any change of conditions which would justify the re-installation of the daily service might be then gone into.

Re GRAND TRUNK RAHLWAY COMPANY AND BERLIN MACHINE WORKS, LIMITED, OPERATION OF SIDINGS.

The question before the Board was the consideration of an agreement between the Grand Trunk Railway Company and the Berlin Machine Works, Limited, of Hamilton, Ont., in respect of the operation over the sidings or spurs located on the last is of the Berlin Machine Works, Limited, and owned by the applicants.

It present that both the Grand Trunk and the Toronto, Hamilton and Buffalo Railway Companies had been operating the sidings in question, and it was stated that the Berlin Machine Works, Limited, had declined to enter into an agreement.

An application was made by the railways in question to discontinue operating over the sidings in question. Just how the operation began is not clear. The Berlin Machine Works, Limited, stated that the operation upon the sidings with the lands of the Berlin Machine Works, Limited, had been conducted under the terms of Order No. 4844 of April 24, 1908; and it is stated, further, that the siding within the works of the Berlin Machine Works, Limited, had been constructed in pursuance of the said order.

In the original hearing on April 24, 1908, it was set out by Mr. Cowan for the Grand Trunk that at the time the application was launched it was the intention of the Grand Trunk to build a siding, as shown on the plan filed, into the Berlin Machine Works, Limited, but that since the application was launched the Berlin Machine Works, Limited, had decided to construct the tracks and sidings on their own property and to use their own engines and do their own switching. The Grand Trunk, therefore, desired to withdraw that portion of the application which was concerned with the construction of the siding into the Berlin Machine Works, Limited, and asked leave to construct a siding off its own line over the Toronto, Hamilton and Buffalo to the limits of the land of the Berlin Machine Works, Limited, and it was also satisfactory to the Toronto, Hamilton and Buffalo, and the Grand Trunk stated that when these tracks were constructed on the property of the Berlin Machine Works, Limited, so desired, was willing to operate over them.

Following this, Order No. 4844, of April 24, 1908, issued. The order recited, as has already been set out in the reference to the evidence, that the Grand Trunk withdrew the portion of the application respecting the construction of the branch line and sidings on the property of the Berlin Machine Works, Limited. The order authorized the construction of the Grand Trunk spur up to the dividing line between the lands of the Grand Trunk and the lands of the Berlin Machine Works, Limited. Nothing is contained in the order as to operation of the sidings of the Berlin Machine Works, Limited. The matter was brought before the Board to determine

the terms of an agreement.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated November 10, 1919, concurred in by Chief Commissioner Carvell, Deputy Chief Commissioner Nantel, and Mr. Commissioners Goodeve and Boyce, holding that a clause should be added to the agreement providing for a situation where the Berlin Machine Works, Limited, may desire to make an arrangement for an additional railway to use its tracks, such situation to be covered by the following clause:—

"The Berlin Machine reserves the right to enter into an agreement or agreements identical herewith with any other railway or railways."

The Board further reserved the right to the railway companies to apply to it for settlement of any disputes in connection with such clauses that the parties were unable to agree upon.

APPLICATION OF THE QUEBEC, MONTREAL AND SOUTHERN RAILWAY COMPANY re
ORDER NO. 28339.

This was an application of the Quebec, Montreal and Southern Railway Company to the Board that Order No. 28339 issued on October 1, 1918, be made permanent instead of between the 31st October and the 1st May following in each year. The order in question provided as follows:—

"It is ordered: That the Quebec, Montreal and Southern Railway Company be, and it is hereby, required (1) to arrange its time table so as to extend its

mixed train now due to arrive at Noyan Junction at 7.30 p.m. daily except Sunday through to Lacode Junction, showing it to arrive at 8 p.m.; and its mixed train now due to leave Noyan Junction at 5.50 a.m. to leave Lacolle Junction at 6.55 a.m. and Noyan Junction at 7 a.m., arriving at Iberville at 8,20 a.m.; and 12 to arrange with the Grand Trunk Railway Company (a) to operate the and trains between Noyan Junction and Lacolle Junction at the times specified, the to amount televers on such trains to and from Lacolle Junction, and (c) to sell tackets at Lacolle Junction to points on the Quebec, Montreal and Southern Railway."

This was subsequently amended by Order No. 27864 of November 19, 1918, which provided,—

"It is ordered: That the said order of the Board No. 27741, dated October 1, 1918, be, and it is hereby, amended by striking out the figures "6.35," "7" and "8.20" in the seventh and eighth lines of the operative part of the order and substituting therefor the figures "8.00," "8.30" and "10.00."

Ompany ran their freight trains from Noyan Junction to Rouses Point, is off the Grand Trunk Rellway from Noyan Junction to Lacolle Junction and their own line (Napicryille Junction Railway) from Lacolle to Rouses Point. It was relined out by the Quebec, Montreal and Southern Railway Company that this movement was due to the fact that it had no satisfactory terminal facilities at Noyan Junction. It was submitted by the Chief Operating Officer that the service could be given by the Quebec, Montreal and Southern Railway Company making provision on the represent mixed train through to Lacolle Junction as against terminating at vow a Junction, and picking up passengers at Lacolle Junction in the opposite Iro-that. The notion, generally, was put on the ground that the service could be consumed without any additional cost, it being pointed out that no additional equipment, it was the train carried the equipment through, it being set out that there would be no extra coal or other expenses and no additional train or carnilles involved.

The reason for this service was set out in the Chief Operating Officer's report of September 18, 1918.

The facts are fully set out in the judgment of Assistant Chief Commissioner M. 1. Assistant Chief Commissioner M. 1. Assistant Chief Commissioner Name I and Mr. Commissioners Goodeve and Boyce, holding that as the engine does not not make a Hense's Point the justification for the order has passed and that it be rescinded.

SECTION 345 OF THE RAILWAY ACT.

in by Assistant Chief Commissioner McLean.

And Laving considered this section very carcially. I have come to the conclusion of the whole parners of the section was to give to the railway companies, within article limits, the right to carry traffic at free or reduced rates; and to such classes include any decide upon, subject to carry makes to the approval and permission of this Board. The whole section is not close to the approval and permission of this Board. The whole section is not close to the specific classes of persons and a careful examination shows that there is no great change between the present Act and its predecessor, excepting that in subscious section is placed upon the power of the railway companies and in sub-clauses (d) and (e) an extension is provided for.

Under clause (a) the most which the railway companies can do towards reduced fares for ministers of religion, etc., is to carry them at one-half the regular fare, and in clause (c) the most they can do for members of the provincial legislatures is to carry them free within points in the province to which they belong. It is not clear whether members of the press can be carried free beyond the province in which they reside, but as there is no comma after the word legislatures, and nothing to designate a difference in the two classes, I am rather inclined to the opinion that the limiting words "between points within the province" apply to the latter as well as to the former. Clause (c) also extends the privilege to dependent members of the families of any persons who are entitled to free transportation under section 346 of this Act, and clauses (d) and (e) also extend the right to employees of the Department of Railways and Canals and to the Governor General and staff, etc.

This narrows the question down to the interpretation of the last line of clause (c), viz., "or to such other persons as the Board may approve or permit," and to the proviso immediately following sub-section (e), both of which are to be found in the previous Act. These words evidently mean something, and it is my opinion that a railway company may decide to grant the privilege of free or reduced transportation to any person, or class of persons, subject always to the approval or permission of the Board, and also subject to the proviso herein referred to, which, in my opinion, is a

regulating power rather than an enacting one.

To apply this opinion specifically to the request made by the Canadian Railway War Board under date of October 16 last, it would seem to me that the railways would have a right, subject to our approval or permission, to grant free or reduced transportation to those parties mentioned in clauses (b), (d) and (e) as well as to all others. Thus, if the railway companies decide to grant free transportation to the immigration and customs officials of the United States, to the families or former and deceased employees of the railways, and the families of former employees of transportation companies, then, if this Board approves or permits, they will be within the

I am not so clear as to the real intention of Parliament with reference to the proviso hereinbefore referred to because, taken in its general sense, we are given the right to extend, restrict, limit, or qualify the carriage of traffic by the companies as provided under this section, but I have come to the conclusion that this is only meant as a regulating clause and our powers are restricted to extending, restricting, limiting, or qualifying what the companies may propose to do and, therefore, gives us no originating jurisdiction; but when the railway companies come to us asking that certain persons or classes of persons be given the privilege of free transportation, we would have the right to extend, rectrict, limit, or quality the same. If I am right in my general interpretation of the clause, then I think we have the power either to approve or disapprove of all the requests made by the Canadian Railway War Board in their letter of the 16th of October hereinbefore referred to, and, as they seem to me to be proper requests, I am in favour of approving the same and permitting the issuing of transportation as requested.

COMPLAINT OF MESSRS. O'REILLY AND BELANGER, LIMITED, AND GRAND TRUNK RAILWAY.

This was an application made by Messrs. O'Reilly and Belanger, Limited, coal merchants, for an order under sections 312, 316, 317, 319 and 320, directing the Grand Trunk Railway Company to provide reasonable and proper facilities for the unloading, handling, storing and delivery of the applicant's coal at the coal trestle erected upon the lands of the said Grand Trunk Railway Company, in its statioon yards at Isabella street, Ottawa; and for a mandatory order directing the said railway company

to forthwith terminate a certain agreement, or lease, in respect to said coal trestle, bearing date October 25, 1916, and made between the said railway company and the Coal Trestle Company, Limited.

The complainants alleged undue discrimination in the matter of proper facilities for the unloading, handling, storing and delivery of the applicant's coal at the coal trestle upon the lands of the Grand Trunk Railway at Isabella street, Ottawa; and asked the Board for an order to forthwith terminate a certain agreement, or lease, bearing date of October 25, 1916, and made between the said railway company and the Coal Trestle Company, Limited.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated December 10, 1949, concurred in by Deputy Chief Commissioner Nantel and Commissioner Boyce, holding that no case of discrimination had been made out against the Grand Trunk Railway Company, and that the Board had no jurisdiction to fix the terms of rental with the Coal Trestle Company, Limited, or to compel the Grand Trunk Railway Company to cancel its agreement with the Trestle Company.

#### APPLICATION OF THE VILLAGE OF EDAM, SASK., AND C.N.R.

This was an application of the council of the village of Edam, in the province of Soskatchewan, for a crossing over the line of the C.N.R., at a point leading from the southeast corner of the townsite to the quarter pits on the road allowance running north and south between sections 31 and 32-48-19, half a mile west of the village of Edam.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated December 17, 1919, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner Melcan and Commissioners Boyce and Rutherford, holding that in view of the very close connection of interests between the railway company and the townsite companies, and the fact that the building up of these municipalities is in the interest of the railway company in that they tend to develop traffic, the costs of the construction of the crossing should be placed upon the townsite companies, and the cost of operation and maintenance upon the railway company.

Freight-

#### APPENDIX B.

#### REPORT OF CHIEF TRAFFIC OFFICER JAS. HARDWELL.

Sir,—I have the honour to submit, for the Fifteenth Annual Report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph and sleeping and parlour-car schedules filed with the Board from November 1, 1904, when, by order of the Board, under the authority of section 311 of the Railway Act, 1903, the railway companies commenced filing their tariffs, to March 31, 1919; and from April 1, 1919, to December 31, 1919, inclusive; also, of the more important orders relating to traffic issued by the Board to December 31, 1919:—

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING MARCH 31, 1919.

Freight— Local tariffs	12,462		
Supplements	26,352	38,814	
Joint tariffs	28,148 80,904		
International tariffs	111,005 341,402	109,052	
Passenger		452,407	600,273
Local tariffs	13,289 17,124	30,413	0.00,210
Joint tariffs	10,661 17,995	,	
International tariffsSupplements	21,029 41,527	2/8,6/5/6	
Express—		62,556	121,625
Local tariffs	5,153 54,180	59,333	ŕ
Joint tariffs	6,11·0 20,110		
International tariffs	2,671 1,222	26,220	
Telephone—		3,893	89,446
Local tariffs	1,7·64 1,231	2,995	
Joint tariffsSupplements	2,534 12,321		
International tariffs	429 9,614	14,855	
Telegraph—		10,043	27,893
Tariffs	152 157	3.09	
Sleeping and Parlour Car-	440 .		309
Local tariffs	118	254	
Joint tariffs	68 138	2:0:6	
International tariffs	160 457	617	
	-	0.1.0	1,077
Combined totals, all schedules			840,623
		***	

SCHEDULES RECEIVED FROM APRIL 1, 1919, TO AND INCLUDING DECEMBER 31, 1919

1 551	492 1,059	 Local tariffs Supplements
1,551	547	
3,964	3,417	 Joint tariffs
	3,176	International tariffs
4,398	11,222	 Supplements
20,0		
	611	 'assenger— Local tariffs
1,521	910	 Supplements
I, O a I	756	 Joint tariffs
2,004	1,248	 Supplements
	1,407 3,220	International tariffs
4,627		Exploration ( ) ( )
	714	Express—
0. 4.04	1,387	 Supplements
2,101	86	 Joint tariffs
2:49	163	 Supplements
MT.U	1,449	 International tariffs
1,594	145	 Supplements
3,9		
		relephone—
	488 95	 Local tariffs
583		
	678 2,954	 Joint tariffs
3,632		International tariffs
	101	 Supplements
101 4.3		
4,3		Telegraph
	1	 Telegraph— Tariffs
4,3	1 3	 Telegraph— TariffsSupplements
		 Tariffs
4,3	3	 Tariffs
4,3		Tariffs Supplements Sleeping and Parlour Car— Local tariffs
4,3	14 17	 Tariffs Supplements Sleeping and Parlour Car— Local tariffs Supplements
4,3	3	 Tariffs Supplements Sleeping and Parlour Car— Local tariffs
4,3	14 17 12 19	 Tariffs. Supplements.  Sleeping and Parlour Car— Local tariffs. Supplements.  Joint tariffs. Supplements.  International tariffs.
4,3	14 17 12	Tariffs Supplements  Sleeping and Parlour Car— Local tariffs Supplements Joint tariffs
4,3	14 17 12 19	 Tariffs. Supplements.  Sleeping and Parlour Car— Local tariffs. Supplements.  Joint tariffs. Supplements.  International tariffs.
4,3 4 31 31 80	14 17 12 19 18 62	Tariffs. Supplements.  Sleeping and Parlour Car— Local tariffs. Supplements.  Joint tariffs. Supplements.  International tariffs.

Summary of Traffic Orders of General Interest Issued During the Year Ended December 31, 1919.

No. 28208, April 4, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Southwold and Dunwich Telephone Association, operating in the counties of Middlesex and Elgin, Ont.

No. 28253, April 22, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Lake Shore Mutual Telephone

Company, operating in the counties of Bruce and Huron, Ont.

No. 28284, April 25, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Tilbury West, operating in the county of Essex, Ont.

General Order No. 264, May 13, 1919.—Authorizes the Bell Telephone Company

to make certain increases in their tolls and charges, effective July 1, 1919.

No. 28330, May 14, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the North Brock Telephone Company operating in the county of Ontario, Ont.

No. 28348, May 19, 1919.—Rescinds Order of July 30, 1904, prescribing special

commodity rates on glass bottles, in carloads, from Wallaceburg, Ont.

No. 28350, May 19, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Welland County Telephone Company, operating in the county of Welland, Ont.

No. 28352, May 26, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Ive-Thornton Telephone

Company, operating in the county of Simcoe, Ont.

No. 28353, May 27, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Durham Road Telephone Company, operating in the county of Bruce, Ont.

No. 28387, May 30, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Liquidation Committee of the Imperial Munitions Board, operating at Nobel in the district of Parry Sound, Ont.

General Order No. 265, June 9, 1919.—Approves Supplement No. 12 to Canadian Freight Classification No. 16.

No. 28420, June 11, 1919.—Approves the Standard Maximum Freight Mileage Tariff, C.R.C. No. 73, of the Eastern British Columbia Railway Company.

No. 28436, June 12, 1919.—Prescribes 8th class tariff rates to apply on carload shipments of poultry food from Lethbridge, Alta.

General Order No. 266, June 17, 1919.—Approves tariffs of tolls filed with the

Board by telegraph companies.

No. 28500, July 3, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Normanby Telephone Company, operating in the county of Grey, Ont.

No. 28508, July 8, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Ayton Telephone Company,

operating in the county of Grey, Ont.

No. 28531, July 9, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Byron Telephone Company, operating in the county of Middlesex, Ont.

No. 28561, July 22, 1919.—Approves message forms of the Marconi Wireless

Telegraph Company.

No. 28594, July 26, 1919.—Approves standard Maximum Freight Mileage Tariff, C.R.C. No. 80, of the Midland Railway Company of Manitoba.

No. 28619, July 31, 1919.—Approves Supplement No. 13 to Express Classification for Canada No. 3.

No. 28620, July 31, 1919. Permits the Temiscouata Railway to increase its Standard Maximum Passenger fare from 3½ to 4 cents per mile.

No. 28677. August 11, 1919.—Approves Express Classification for Canada No. 4,

C.R.C. No. ET-14.

No. 28657. August 11, 1919. -Approves agreement for interchange of telephone services between the Bell Telephone Company and the Norland Independent Telephone Company, operating in the county of Victoria, Ont.

No. 28750, September 4, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the La Compagnie de Telephone St. Ours, operating in the counties of Richelieu, St. Hyacinthe, and Vercheres, Que.

No. 28751, September 4, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Crews Telephone Company, operating in the county of Northumberland, Ont.

General Order No. 271, September 10, 1919.—Prescribes regulations to govern

applications for approval of freight and express classifications.

No. 28783, September 17, 1919.—Approves agreement for interchange of telephone cervices between the Bell Telephone Company and the Bradden Telephone

Company, operating in the county of Hastings, Ont.

Orneral Order No. 272, September 19, 1919.—Requires terminal inter-switching railways to furnish shippers with local bills of lading, or switching tickets or receipts sticket to the conditions of the bill of lading, for cars loaded on their tracks, to the point of transfer to the line carrier.

No. 28810, September 22, 1919.—Approves Standard Maximum Freight Mileage

Tariff, C.R.C. No. 681, of the Quebec Central Railway Company.

No. 28837, October 3, 1919.—Authorizes the Quebec, Montreal and Southern Railway to increase its standard maximum passenger fare from 3.45 to 4 cents per mile.

No. 28857, October 7, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Brompton Pulp and Paper Company, operating in the counties of Beauce, Compton and Wolfe, Que.

No. 28898, October 11, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the Township

of Wellesley, operating in the counties of Waterloo and Perth, Ont.

No. 28899, October 11, 1919.—Approves agreement for interchange of telephone ervice between the Bell Telephone Company and the Head Lake Telephone Company, operating in the county of Victoria, Ont.

No. 28945, October 18, 1949.—Approves Standard Maximum Freight Mileage Tariff, C.R.C., No. 576, of the Chatham, Wallaceburg and Lake Eric Railway

'ompany.

No. 28020, Oct ber 20, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Wallacetown and Lake Shore

Telephone Association, operating in the county of Elgin, Ont.

No. 28946, October 28, 1919.—Approves the British Columbia Electric Railway's Standard Maximum Freight Mileage Tariff, C.R.C. No. 146, Standard Maximum Passenger Tariffs C.R.C. Nos. 8 and 9, and Express Tariff C.R.C. No. Ex-1 and Supplement No. 1 thereto.

No. 28967, November 3, 1919. - Approves Dominion Atlantic Railway Company's

Standard Maximum Tariff of sleeping car tolls, C.R.C. No. S-4.

No. 28972, November 4, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Russell Rural Telephone Company, operating in the counties of Russell and Carleton, Ont.

No. 28983, November 11, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and La Compagnie Electrique, Maniwaki, operating in the county of Ottawa, Que.

No. 29018, November 14, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the

Township of Huron, operating in the counties of Bruce and Huron, Ont.

No. 29068, November 21, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Mount Forest, Wellington and Grey Telephone Company, operating in the counties of Wellington and Grey, Ont.

No. 29094, December 2, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Rumney Settlement

Telephone Company, operating in the county of Victoria, Ont.

No. 29134, December 9, 1919.—Authorizes settlement of accrued demurrage incurred by delays in unloading cars at Winnipeg during the general strike in May and June, 1919, on the basis of \$1 per car per day.

No. 29145, December 12, 1919.—Permits the Grand River Railway to increase

its standard maximum passenger fare to 2.875 cents per mile.

No. 29154, December 12, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Donegal Telephone Company, operating in the county of Renfrew, Ont.

No. 29163, December 22, 1919.—Requires the Grand Trunk Railway to establish certain commodity rates on sand and gravel from York, Ont., to various sidings in

and around Toronto.

No. 29165, December 19, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the Township of Thessalon, operating in the district of Algoma, Ont.

No. 29170, December 20, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Egypt Telephone Com-

pany, operating in the county of Ontario, Ont.

General Order No. 277, December 29, 1919.—Prescribes regulations for indi-

cating changes in tariffs of tolls by means of symbols.

No. 29227, December 30, 1919.—Approves agreement for interchange of telephone services between the Bell Telephone Company and the Corporation of the

Township of Otonabee, operating in the county of Peterborough, Ont.

General Order No. 276, December 31, 1919.—In the matter of Order in Council P.C. 1863, as amended, and of all tolls lawfully in effect on December 31, 1919; railway companies subject to the jurisdiction of the Board permitted to continue in force, on and from January 1, 1920, the tolls in effect on the said December 31, 1919.

### APPENDIX C.

OTTAWA, March 9, 1920.

DEAR SER.—I have the honour to submit herewith, for the Board's fifteenth annual report, a synopsis of work performed by the Operating Department during the nine months ended December 31, 1919.

REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OR LOSS OF LIFE.

During the nine months accidents to the number of 1,347, covering 223 persons killed and 1,502 persons injured, were reported to the Board by the various railway companies under its jurisdiction. For particulars, attention is directed to statements 1 3 and 4.

A perusal of statements Nos. 2, 5 and 6, which are comparative statements of the killed and injured, as between passengers, employees and others; class of accident and railway, reveals a decrease of 41 persons killed and 311 persons injured over the pre-

ceding year.

Out of the total of 1,347 accidents reported, as above referred to, 750 were investigated, covering 163 persons killed and 977 persons injured. Statements Nos. 7, 8, 9 and 10 set out in detail the investigations made as regards collisions, derailments, highway crossing accidents, also, accidents the result of working on or under engines. These four statements show a total of 289 investigations, covering 70 persons killed, 584 persons injured. The remainder of the investigations, which number 461, cover 93 persons killed and 393 persons injured, and are spread over accidents covered by the various other headings, referred to in statements 3 and 4.

It will be observed that out of the total of 223 persons killed and 1,502 injured, there were "trespassers" to the number of 64 killed and 68 injured. In this connection refer-

ence is made to statement No. 16.

The matter of highway crossing accidents, protection provided, etc., is set out in

detail in statements 3, 4, 9, 11, 12, 13, 14 and 15.

It is pointed out that the number of accidents at highway crossings involving automobile traffic is on the increase. A perusal of statement No. 15 shows that during the four years ending March 31, 1919, and nine months ending December 31, 1919, there have been 231 accidents, 15 in 1916, 36 in 1917, 54 in 1918, 66 in 1919, and 60 for the nine months ending December 31, 1919.

# INSPECTION OF SAFETY APPLIANCES.

The work in this connection is largely carried on under the provisions of section 298 of the  $\Lambda$ ct, and General Order No. 102. The year's work in detail is set out in statements Nos. 19, 20, 21- $\Lambda$  and B. It is needless to say that the inspection of 45,871 cars embracing defects totalling 2,142 (or 4.67 per cent) entails considerable time and labour, both as regards field work, and the resultant checking, recording and filing of the numerous reports in addition to the correspondence necessary in following up with a view to having the railway companies take the necessary action to have the defects remedied.

# INSPECTION OF MOTIVE POWER.

This division of the work embraces the entire locomotive and tender, and is carried on under sections 298, 299, 300 and 301, of the Railway Act, and General Orders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199 and 226

Under General Order No. 78, the so-called "Boiler Inspection Order," some 45,000 report forms comprising the monthly and annual inspections of locomotive boilers and appurtenances have been filed during the nine months.

During the nine months locomotives to the number of 5,676 were inspected by inspectors of this department, with defective engines totalling 1,564 (28 per cent), total defects 1,664. For details reference is made to statement No. 22.

The checking and recording of the above-mentioned forms and reports, together with the correspondence involved, naturally creates an extensive line of work.

INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES.

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

TRAIN AND STATION SERVICE, HIGHWAY CROSSING PROTECTION, STATION LOCATIONS, CAR SUPPLY, ETC.

The work under this heading covers a wide range of subjects, and entails in many instances a considerable amount of inquiry and research.

During the nine months complaints and applications numbering \$78, which represents 32 per cent of the total filed with the Board, were inquired into and reported upon.

Under this heading it might not be amiss to point out that the matter of car supply in connection with the movement of coal, grain, lumber, fruit, potatoes and hay, required considerable attention.

In conclusion, it might be stated that in order to accomplish the work briefly outlined above, it has necessitated the travelling by the staff of this department of approximately 375,000 miles.

Yours faithfully,

G. SPENCER,
Chief Operating Officer.

STATEMENT No. 1.—Statement showing number of passengers, employees and others killed and injured on the various railways in Canada, under the Board's jurisdiction, for nine months ending December 31, 1919.

Name of Rairway.	Passe	engers.	Empl	oyees.	Oth	ners.	То	tai.
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Grand Trunk. Canadian Pacific. Canadian National. Grand Trunk Pacific. Quebec Central Toronto, Hamilton and Buffalo. Grand River. Brantford & Hamilton Electric. Esquimalt & Nanaimo. Michigan Central. Quebec, Montreal & Southern. Kettle Valley Algoma Central & Hudson Bay. Windsor, Essex & Lake Shore. Wabash. New York Central. Lake Erie & Northern Vancouver, Victoria & Eastern. Pere Marquette. Maine Central. Hamilton Radial.	3 1	1 4 5 6 2 3	3 1 2 2 1	416 192 229 33 6 1 1 41 6 2 2	37 54 23 1 1 2 3 3 1 1 2 1 2 1 2	97 88 67 5 1 1 3 1 2 2 1 2 1 3 2 7	56 94 46 6 3 1 1 1 2 2	651 363 322 42 77 7 1 2 45 77 4 6 6 5 11 8 3 2 2 3

11 GEORGE V, A. 1921

STATEMENT No. 2.—Comparative statement of killed and injured between years ending March 31, 1919, and nine months ending December 31, 1919.

	Passe	ngers.	Empl	oyees.	Oth	ers.	То	tal.
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Year ending March 31, 1919 Nine months ending Dec. 31, 1919.	28 4	202 274	117 91	1,344 951	119 128	267 277	264 223	1,813 1,502
Increase	24	72	26	393	9	10	41	311

STATEMENT No. 3.—Statement showing separately the number of Passengers, employees and others killed and injured, and the nature of the accidents, for nine months ending December 31, 1919.

Character of Accidents.	Passe	ngers.	Empl	oyees.	Oth	ers.	То	tal.
Character of Accidents.	Killed.	Injured	Killed.	Injured	Killed.	Injured.	Killed.	Injured.
Denailment Collision, head-on. (all non, reut-end Collision in yard		124 59	12 4 1	106 26 15 20		17	13 4 1	247 85 15 21
Collision with cars standing foul of			•	1				1
switch		10	1	9	1	1	2	20
erossing.  Public highway crossing protected				2		1		3
by gates					4	9	4	9
by bell.  Public highway crossing protected					. 4	7	4	. 7
by watchman.  Public highway crossing unpro-					4	9	4	9
Private crossing. Trespassing			2	3	62	136 13 65	36 3 64	138 13 68
Working on or under engine Miscenaneous. Adjusting couplers, coupling and	1	34	5	97 196	6	7	12	97 237
Working on track or bridge			5	59 36				59 36
Hand car, motor or velocipede				49	2		5	49
crawling under cars. Crawling through cars over couplers		1		8	1	. 1		8
Caught while passing through cars between couplers Struck by car standing foul Struck by switch stand, water					1			2 4
Crushed between cars, building				}				. 25
Explosion of locomotive boiler				6				
Falling off passsenger train. Falling off tender while handling		11		6				17
Falling off tender while taking			1	3			. 1	. 3
rating on tender while taking				.1 8	1			. 8

Statement No. 3.—Statement showing separately the number of Passengers, employees and others killed and injured, and the nature of the accidents, for nine months ending December 31, 1919.—Concluded.

	1							
Character of Accidents.	Passe	engers.	Emp	loyees.	• Otl	ners.	To	tal.
	Kiıled.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Industrial. Riding on pilot of engine. Overhead bridge. Repairing cars on running track			2	18 14 8			3 2	18 14 6
when moved by engine.  Falling off top of car.  Falling between cars going over top Application of air brake.  Jumping off train in motion.  Attempt to board train in motion.  Washout.  Bridge gave way or burnt.			7	37		6		1 37 5 18
Washout Bridge gave way or burnt Electrocuted Run down by engine or car Passing too close around end of		10	25	20	2			
caught in frog, guard rail or switch rod.  Caught by engine or car while throwing switch.				3				3
and coming down side or end ladders.  Falling off car while working handbrake.				13				13
Asphymated in tunnel. Handling freight. Loading and unloading O.C.S. material			1 1	20	1		1 1	20
Building and repairing. Working in coal chute. Cars moved while loading and unloading.			1	4				4
Repairing cars on running track when moved by engine Locomotive dropping crown sheet			1	2			1	2
of fire box			1	3			1	3
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Falling off car while working hand brake	sphyx	Tandli	podir	mildin	Jorkin	Cars moved while loading or unloading	row	Renairing cars on maning trook whom more	ooo m	Compline and uncounting of hose	Coupling and ancoupling all mose	

11 GEORGE V, A. 1921

STATEMENT No. 1.—Statement showing the character of accidents austained by the persons killed and injured on the various railways under the jurisdiction of the Board for nine menths ending December 31, 1919.—Continued.

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		Derailmeat. Collesson, Reseins	Collision in varid	Collision with cars standing foul, main line.	ollision in grade level diamend crossing.	Public highway crossing protected by gate Public highway crossing protected by bell	Public highway crossing protected by watchman Public highway crossing unprotected	Private crossing Trespassing	under engine	Miscellaneous Adjusting coupling and uncoupling.	Working on track or bridge. Falling off handear motor velocipede	Handear, motor, velosipede struck by train	Crawling underear	Caught while passing through cars between couplers	Struck by switchstand, waterspout, mail crane	Crushed between cars, building, lumber pile, platform, etc	Falling off passenger train.	Falling off tender while handling coal.	Industrial	Riding on pilot of engine.	Repairing cars on repair track when moved by engine	Falling off top of ear.	Application of air brake	Jumping off train in motion. Attempt to board train while in motion.	Washout	Dringe gave way or burne. Electrocuted.	Run down by engine or car.	Caught in frog, guard rail or switch rod	Caught by engine or car while throwing switch.

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STATEMENT No. 5.—Comparative statement in totals of killed and injured between year ending March 31, 1919, and nine months ending December 31, 1919, separately for each period.

				onths,		19	19.	
Character of Accidents.	19	19.	19	19.	Incr	ease.	Decr	ease.
	K.	I.	K.	I.	K.	I.	K.	I.
	9	159	1 13	247	4	88		
Collision, rear-end	5	57	4	85		28	4	90
Collision, rear-end	3 2	53 40	1	15 21			2 2	38 19
Collision with cars standing foul on main line	1	1 7	2	1 20		13		
('ollision with cars account open switch	3	18		3			3	15
Public highway crossing protected by gates Public highway crossing protected by bell	3 10	20 20	4 4	9 7	1		6	11 13
Public highway crossing protected by watchman	1 27	7	4 36	120	3 9	2		
Public highway crossing unprotected Private crossing	3	115	3	138 13		23		
Trespassing. Working on or under engine.	77	102 180	64	68 97			13	34 83
Miscellaneous	20	288	12	237			8	51
Adjusting couplers, coupling and uncoupling Working on track or bridge	6 2 7	75 61	3 5	59 36	3		3	16 25
Falling off handcar, motor or velocipede	7 10	36 15	5 7	49		13	2 3	7
Handcar, motor or velocipede struck by train Crawling under cars		1		1				
Crawling through cars over couplers	2	7 4	1	4 2			1	3 2
Struck by car standing foul	1	6	2	4	1			2
Struck by switch stand, water spout, mail crane, etc	2	22	l	25		3	2	
Crushed between cars, building, lumber pile, plat- form, etc	3	13		6			3	7
Falling off passenger train.	. 17	7				10		
railing off tender while handling coal		3	1	17	1	10	6	
Falling off tender while taking water. Industrial	1	6 97	3	8	2	2		79
Riding on pilot of engine		16	2	14	, 2			2
Overhead bridge Repairing cars on running track when moved by	1	7		8		1	1	· · · · · •
engine Falling off top of car	2	1 37	7	37	5			
railing between cars going over top	3	9	1	5			2	4
Application of air brake  Jumping off train in motion.	5	33 46	1	18 54	1	8	4	15
Attempt to board train in motion.		35	1	31			2	4
Bridge gave way or burnt.								
The state of the s	32	54	27	41	1		0.0	13
1 : for the percent end of string of cars		6		3				
I aling off to white with the wing switch		5		2				3
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		42	1	20	1			22
Building so i repairing.		19	3	15	3			. 4
Withing carried chare  "are time of while it close and unioneling"	1	8		4 6			1	4
Ret Unit 2 as an inning tends of the time.	1						I	6
Locomotive dropping grown sheet of fire box	2	7	1	2			1	5
if my of the control ar he se	1	8 5		4 3			1	4
	264	11,813	223	1,502	39	198	80	509
De jesse aper	$\frac{223}{41}$	$\frac{1,502}{311}$					39	198
	3.1	011					41	311

STATEMENT No. 6.—Comparative statement in totals of killed and injured between year ending March 31, 1919, and nine months ending December 31, 1919, for each railway separately.

Name of Railway,	10	19.		onths	9	month	ns, 1919	
Train of Italiway.					Incr	ease.	Deci	ease.
	K.	I.	K.	1.	K.	I.	K.	I.
Grand Trunk Canadian Pacific. Canadian National Grand Trunk Pacific Quebec Central. Toronto, Hamilton and Buffalo. Grand River. Brantford and Hamilton Electric Esquimalt and Nanaimo. Michigan Central. Quebec, Montreal and Southern. Kettle Valley. Algoma Central and Hudson Bay. Windsor Essex and Lake Shore Wabash. New York Central. Lake Erie and Northern Vancouver Victoria and Eastern. Pere Marquette. Maine Central. Hamilton Radial. British Columbia Electric. Hull Electric. London and Port Stanley Edmonton, Dunvegan and British Columbia. Canadian Government	264	771 276 424 79 24  8 6 120 7 1 1 4 17 6 4 425 6 1 9	56 94 46 3 1 1 1 2  6  2 1 4 1 1 2 2 1 1 4 1 2 1 2 1 1 4 1 1 1 1	651 363 322 42 7 2 45 7 7 4 6 5 12 6 11 8 3 2 3	19 1 2 1 2 2 1 2 1 2 1 2 1 3 2	3 6 1 7	13 45 3 2 1 4 1 3	120 102 37 17 7 4 75  5  17 3 11 19 6 9 422
	223	1,502					32	111
Decrease,	41	311		,			41	311

STATEMENT No. 7.—Statement Showing Collisions Attended by Personal Injury Investigated During the Nine Months Ending December 31, 1919

File	Date	Railway	PLACE	Kil- led	ju
v. 6589	Mar. 9	G.T.R.	Southwark, Que	-	
" 6655	April 24	G.T.R.	Turcot, Que		
" 6686	May 2	G.T.R.	St. Henri, Que	-	
6708	May 12	G.T.R.	Kitchener, Ont., King St. Crossing	_	1
6748	June 13	M.C.R. G.T.R.	Windsor, Yard, Ont	_	1
OLIT	June 10	C.P.R.	Belleville, Ont., Coal Dock		
0101	July 2	V.V. & E.	Mattawa, Ont	-	
0100	April 22	C.N.R.	Ardley, B.C., Douglas Rd. Crossing	_	
6842	Dec. 5 July 20	G.T.R.	West Toronto, Ont	849	
" 6850	July 8	G.T.R.	Richmond, Que., west end yard	_	1
6853	June 17	G.T.P.	Watrous, Sask	_	
6875	Feb. 28	C.P.R.	M.P. 67, Fernie, S.D.	2	
6897	July 28	G.T.R.	Windsor, Yard, Ont.		
6928	Aug. 2	G.T.R.	London, Ont., 4th track pass platform	-	1
6945	July 7	C.P.R.	Laggan, S.D., M.P. 63.		1
6953	Sept. 11	C.P.R.	Ouimet, Nipigon, S.D.	-	1
6955	July 6	C.P.R.	Lake Louise, 3 mile from	000	1
6958	Sept. 3	G.T.R.	Turcot, Que	_	1
6984	Sept. 5	G.T.R.	Jordan, Ont.	time .	
6996	July 22	G.T.R.	York, Ont.	pro	1
7009	Sept. 19	C.P.R.	Sortin Yard, Que	-	1
7061	Sept. 11	C.N.R.	Rosedale, Ont., Gerrard St. Siding	***	1
7069	Sept. 24	C.P.R.	Ignace, S.D., M.P., 1013	_	1
7073	Aug. 12	C.N.R.	Edmonton, 24th Street crossing, Low Level bridge	0-0	
8006	Oct. 17	G.T.R.	Mallorytown, Ont.	_	
8024	Oct. 22	C.P.R.	Broadview, S.D.M.P. 73.5	-	1
8061	Aug. 5	V.V. & E.	Vancouver, B.C	-	1
0007	Oct. 31	G.V.R.	Hagey's Siding, Ont		
0000	Aug. 17	C.N.R.	M.P. 97, Joint Section.	1	
0001	Oct. 7	C.N.R.	Bolger, Ont., M.P. 26, Sudbury, S.D	1	
0102	Nov. 1	C.N.R.	Ragged Rapids.	-	
8128 8163	Nov. 9	C.P.R.	Broadview Yard, Man	-	1
6103 6 8168	Nov. 16 Nov. 21	C.N.R.	Cartier, Man.	-	
6108	Nov. 21 Nov. 22	C.P.R. C.P.R.	Chelmsford, Ont.		
8186	Nov. 19	C.N.R.	Between Terrebonne & St. Vincent de Paul, Que	2	
4 8189	Dec. 2	C.N.R.	Saskatoon, Sask	01/0	1
6192	Nov. 24	C.P.R.	Falding.	-	1
4 8194	Nov. 25	C.P.R.	Broadview Yard, Man	-	
8227	Dec. 2	C.P.R.	Saskatoon, 2 miles west of	_	
8236	Dec. 11	C.P.R.	Moose Jaw Yard, Sask	_	
8247	Dec. 20	C.P.R.	Milan, Que., Passing track	2	
8257	Dec. 16	C.P.R.	Verona, Ont	-	
11 SOCO	Dec. 10	G.T.R.	Stralak Station, Ont.		
8264	Dec. 11	C.P.R.	Port Colborne, Ont., Government Elevator	-	
8270	Dec. 26	G.T.R.	Swift Current, S.D., M.P. 63, 10 poles west Beaconsffleld, Que., ½ mile west of station	1	

Total	number	investigations	47
TOURT	mumper	Killed	9
Lotal	number		160

STATEMENT No. 8.—Showing Derailments Attended by Personal Injury Investigated During the Nine Months Ending December 31, 1919

File	Dat	Railway	PLACE	Kil- led	In-
Inv. 6577	Mar. 17	G.T.P.	Return Paranese & Community Bright		
" 6580	Jan. 25	C.N.R.	Between Raymore & Semans, M.P. 367	_	1
" 6583	Mar. 3	C.P.R.	Hanna S.D., M.P. 159·6. Bredenberg, M.P. 23. Rossburg S.D. M.P. 28. four policy year		1
" 6592 " 6500	Mar. 20	C.N.R.	1 200550uth D.D., M.I. ou, four poles west	term	1 4
" 6599 " 6606	Mar. 14 Feb. 8	C.N.R. G.T.P.	Hartney S.D., 4 poles west M.P. 126	-	1
" 6616	Mar. 26	M.C.R.	Archydale, Sask		1
" 6631	Mar. 24	C.N.R.	Windsor, Ont	3	1 1
" 6632	April 2	C.N.R.	Ardath yard, Sask Irondale, S.D., 2 poles east M. P. 49	-	1
" 6633 " 6635	Jan. 22	G.T.P.	Calgary, Alta		1
, 0000	April 19	W.E.&L.S.	Kingsville, Ont.	_	5
" 6660 " 6665	May 8	Wabash	Darling Road, 13 miles east	2	6
" 6672	April 24 Mar. 31	G.T.R. C.N.R.	Corbyville, Ont., 1 mile west. Hervey Sd., M,P. 7	_	1
" 6678	May 10	C.P.R.	McForgon Ont		1
" 6684	May 14	CTP	McFerson, Ont. Miniota, Man		3
" 6699	May 30	G.T.R.	Sidney, Ont.		6
" 6720	May 29	G.T.R.	London, Ont.	_	1
" 6722	June 3	G.T.R. G.T.R. G.T.R.	London, Ont. Cardinal, Ont., 3 miles west	-	47
0120	June 10	G.I.R.	Kerwood, Unt	***	3
" 6725 " 6726	May 4	C.N.R.	Iron Spur, S.W	-	1
" 6729	May 23 June 17	C.P.R. G.T.R.	South Junction, Tower	1	1
" 6732	May 27	G.T.R.	Sunnyside, Ont. Trenton, Ont., 1 mile west.	-	1
" 6734	June 12	C.N.R.	Nipigon, S.D., M.P. 135.5.	_	3
" 6737	June 17	G.T.R.	Ops. \(\frac{1}{2}\) mile east Opt.		14
" 6738	June 13	G.T.R.	Beaverton, Ont., 2 miles east	-	1
6763	June 14	G.T.R.	St. Rosalie Junction, Que.  Between Smithville & Granies, Ont	- 1	8
0/04	June 14	T.H. & B.	Between Smithville & Granies, Ont	-	1
" 6766 " 6767	May 22 June 9	C.N.R. G.T.R.	Lachute, S.D., 4 miles east M. P. 48	9-11	2
" 6780	July 6	C.P.R.	Sarnia Tunnel, Ont	2	1 9
" 6796	June 30	G.T.R.	Port Hope, Ont., 2 miles west	2	1
" 6800	Mar. 17	V.V. & E.	Ardley, B.C.		_
" 6816	July 1	G.T.P.	M.P. 553, three poles east of Edmonton S.D., 11 poles west of M.P. 708	-	1
" 6823 " 6825	May 21	C.N.R.	Edmonton S.D., 11 poles west of M.P. 708	1	a-a
0000	June 30	C.N.R.	Parry Sound, Ont	- 1	1
" 6836 " 6838 .	July 2 April 18	C.N.R. C.N.R.	Sudbury S.D., M.P. 6, Ont. Blue River S.D., Bridge 88·7.	1 1	$\frac{2}{1}$
" 6847	July 10	G.T.P.	Between Zelma and Allen, Near M.P. 433	I.	1
" 6849	Aug. 4	C.P.R.	North Bay S.D., M.P. 343	1	î
<b>"</b> 6861	July 6	C.N.R. C.N.R.	Peace River Jct	3	200
" 6903	Aug. 6	C.N.R.	M.P. 47, five poles west		1
" 6936 " 6050	Aug. 21	G.T.R.	Burnt River, ½ mile south	- 1	2
" 6950 " 6952	Aug. 23	C.N.R.	Plouffe Trestle, Montfort S.D.	-	1
" 6957	Aug. 29 Sept. 7	N.Y.C. C.N.R.	Valleyfield, Que	_	1 2 2
" 6968	July 5	C.N.R.	St. Felicien. two miles west of	_	2
" 6978	Sept. 17	C.N.R.	Morrin, S.D. Alta., 13 poles south of M.P. 154	1	1
" 7011	Aug. 23	G.T.R.	London, Ont	-	1
" 7014 " 7004	Sept. 1	P.M.R.	Coatsworth, Ont		1
1024	Sept. 13	C.P.R.	Clearwater, 4 miles west M.P. 25		3
" 7025 " 7050	Sept. 13 Oct. 1	C.P.R. G.T.R.	Regent, Sask. Toronto, C.P.R., diamond Don.	1	···
" 7054	Oct. 1	G.T.R.	Belleville, Ont	1	1
" 7087	Sept. 26	C.P.R.	New Sarum, Ont.	_	3
" 7093		I C.N.R.	New Sarum, Ont. Big Valley, Alta., 3, 2 south of.	-	4
" 8000	Aug. 26 Oct. 23	G.T.R.	Rideau, Ont. Reaboro Station, 10 poles west.	-	4
" 8005 " 8014	Oct. 19	G.T.R.	Reaboro Station, 10 poles west	-	$\frac{2}{2}$
0014	Oct. 11	G.T.R.	St. Louis		1
" 8023 " 8027	Oct. 11	C.N.R. C.P.R.	Kipling S.D., 22 poles west M.P. 127 Empress S. D., M.P. 28	1	1
" 8043	July 20 Oct. 26	C.P.R.	Between Ripley and Gilden	-	î
" 8045	Nov. 3	G.T.R.	Seneca		1

STATEMENT No. 8.—Showing Derniments Attended by Personal Injury Investigated During the Nine Months Ending December 31, 1919—Concluded

File	Date	Railway	PLACE	Kil- led	In- jured
Inv. 8080  " 8101 " 8127 " 8129 " 8132 " 8138 " 8154 " 8181 " 8185 " 8191 " 8237 " 8253	Aug. 23 Nov. 10 Sept. 28 Nov. 4 Nov. 2 Nov. 14 Nov. 29 Dec. 13 Nov. 11 Nov. 19 Dec. 8 Dec. 27 Dec. 27	C.N.R. C.N.R. C.N.R. G.T.P. G.T.P. A.C.&B.B. C.P.R. C.N.R. C.N.R. C.N.R. C.P.R. C.P.R. C.P.R.	Miami S.D., Mileage 78.  Macduff. Prince Albert S.D., Near M.P. 300. Oban M.P. 537, Main Line. Between Vera and Winter, M.P. 602, Main Line. Sault Stel Marie, Ont. Sudbury M.P. 77, Cartier S.D., M.P. 77. Darwell, 2 miles west of. Hughton, 1 mile west of. Sarnia, Ont. Thorlake M.P. 40, 4 miles west. Smiths Falls, 1 mile east. Algonquin Park, Ont., M.P. 304. Montreal, Mile End, Que.	-	1 1 2 2 6 4 3 1 1 1 2 2 2 1 3 1 1 2 1

Total	number	investigations	78
Total	number	killed	19
Total	number	injured	224

# Statement No. 9—Showing Highway Crossing Accidents Attended by Personal Injury Investigated During the Nine Months Ending December 31, 1919

				The state of the s			
File	Date	Railway	PLACE	Killed	Injured	Protection	Remarks
Inv. 6572  11 6594  12 6594  13 6597  14 6597  15 6597  16 6519  17 6612  18 6619  18 6619  19 6619  19 6619  10 6619  10 6619  10 6619  10 6703  10 6703  10 6703  10 6704  10 6704  10 6705  10 6705  10 6706  10 6709  1	Mar. 23  Mar. 29  Mar. 29  Mar. 29  Mar. 24  April 22  April 22  April 22  April 22  April 23  April 39  April 39  April 39  April 39  April 39  April 40  April 40  April 50  April 60  April 70  A	00000000000000000000000000000000000000	Port Union, Ont., Kingston Road.  Portage la Prairie, Man., Gaddy Street. Strathroy, Caradoc Street. Welland, Ont., Stone Road Peterboro, Ont., Lake St. Breckville, Ont., Perth Street. Breckville, Ont., Perth Street. Breckville, Ont., Perth Street. Breckville, Ont., Perth Street. Breckville, Ont., Park St. Lawrence, Ist crossing 2 miles east of station. Etobicoke, Mileage 7.85, Galt S.D. St. Marys Junction, Ont., Long Crossing 2 miles west. Cookshire Station, 1, 60d teet west of Crillia, Missanaga Street. St. Boniface, Man., St. Joseph Street. Bencher Falls, Que., crossing 4 mile west. Carleton Place, Ont., William Street. Beecher Falls, Que., crossing, a miles east. Cobourg, Ont., Carra Crossing, a miles east. Cobourg, Ont., Road crossing, a station. Humberstone, Killaly Street. Cobourg, Ont., Road crossing a station. Forest, Ont., Road crossing a station. Humberstone, Killaly Street. Beerboro, Ont., Lock Street. Cettle, Street. Brockville, Julie west. St. Stephens S.D., Mr. 732.1 Brockville, Ont., North Augusta Road Waterville, Julie west. St. Catharines, Page Street. Pontypool, 2nd crossing east. St. Catharines, Page Street. Pontypool, 2nd crossing east. St. Stephens S.D., Mr. 732.1 Brockville, Ont., North Augusta Road Waterville, Julie west. Nimipe, Aberdeen Avenue. St. Catharines, Page Street. Pontypool, 2nd crossing east. Nimipe, Aberdeen Avenue. Roxton Talls, Que., Notre Dame Street. Hunboldt, Sask., Park Street crossing.	=	0-0-0	Bell Unprotected	Auto Auto Auto Auto Pedestrian Auto Pedestrian Horse and rig Pedestrian Horse and rig Pedestrian Horse and rig Pedestrian Auto Auto Auto Auto Auto Auto Auto Auto

Statiment No. 9.—Smaking Highway Crossing Accidents Attended by Personal Injury Tuve-tigated During the Nine Months Ending December 31, 1919.—Continued

File							
	Date	Railway	PLACE	Killed	Injured	Protection	Remarks
7		2 % 3	M. P. 4-9 nolos west. Winning S.D.		23	("nprotected	Auto
1 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Aug. 12	G.T.R.	Carl-had Springs, Ont., 3rd crossing east of station	01	1.	Unprotected	Horse and rig
(35)		.X.X.	Montreal, Nicolet Street.		- c	hprotected	Auto
6885		C.H.	Suncridge, Ont., John Street.	1	10	Watchingn	Pedestrian
		7. F. F.	Levente, Kiverdale Park Crossing, Lon.	1	1	Unprotected	Pedestrian
1/2			State Office Cont., Charles office.	1	-	Unprotected	Team
(1000)		2 P. P. P.	Sintalula Crossing east of station.	1	-	Unprotected	Auto
0.000 0.000		(r.T.18.	Meaford, Ont., Boucher Street.	1	y /	Inprotected	Auto
6914		C.N. 12.	Trenton, Ont., Dundas Street	10	24	Watchman	Horse and rig
. 0869 "		C.N.R.	Clarendon Station, 2 miles east	7 -	-	Unprotected	Moros and rig
6931			Pointe aux Trembles, Que, 6th Avenue	4		Unprotected	Auto
., 6932		P.M.K.	Leanington, Ont., It miles east		1	Unprofected	Motor truck
6941		G.T.K.	Fort Colborne, Ont., Milaly Street,	1	-	Unprofected	Pedestrian
6942		A.C. & H.B.	Sault Sie, Marie, Ont., Maron Street	1	- 10	Thprotected	Auto
6962		C.F.R.	Thomas Charm Street	1		Unprotected	Horse and rig
0878			Kingston lot 9 miles west of	ı	-	Unprotected	Auto
6000		M C R	Ruscombe I mile west of	ı	prod	Unprotected	Auto
7001		CT B	Lacolle, let. 1st crossing west	1	4	Unprotected	Auto
7003		CPR	Perth Junction. Bridge St. crossing.	1	2	Unprotected	Auto
7007		N. N.	Allenby Jet., 1st crossing east.	I	1	Unprotected	Horse and rig
7036		G.T.R.	New Hamburg, Ont., Waterloo Street		( )	Unprotected	Fedestrian
6992		C.N.R.	Colbright Pit, Kingston Road	1	<b>—</b> c	Unprotected	Auto
7041		H.R.E.	Hamilton, Ont., Birmingham Avenue	-	20	Unprotected	Dedastein
7044		B. & H.E.	Brantford, Ont., east of Echo Stop	-	+	Unprotected	Anto
7045		G.T.R.	Lindsay, Ont., kent Street	ı	- G	Typrotected	Auto
. 7048		G.T.R.	Tillsonburg, Ont., Rolph Street.	1	1-	Unprotected	Auto
7049		C.F.R.	AZULE, 0 poles South M. 1 . 40	1		Unprotected	Auto
2020			High Ring Road Allowance west	1	-	Unprotected	Horse and rig
0007 "		2.T.S.	Hamilton Ont. King Street	1	-	Watchman	Pedestrian
7064		2 L C	Newton 1st crossing north	+	ಣ	Unprotected	Auto
7070		C.T.R.	Niagara Falls. Hydro crossing west of.	+	П	Unprotected	Auto
7081		G.T.R.	Dorval, Que., 1st crossing west of station.		1	Gates	Auto
7082		C.P.R.	Brockville, Ont., Elm Street.	1		l nprotected	Pedestrian
7083		G.T.R.	Prescott, Ont., Ed. Street, 2 mile east	1 -	7	Irprotected	Padastrian
9802 "		C.P.R.	Soo, Ont., Albert Street west	7	16	Thursteeted	Auto
7096	Oct. 2	G.T.R.	Milton, Ont., 1st crossing a mile north	1	٠ -	Unprotected	Auto
., 8003		C.F.B.	CLOW & INCOLUTION, MILE . SU CO.			4	

Pedestrian Pedestrian Auto	Auto	Auto Taxicab	Auto	Horse and rig	Auto	Pedestrian	Auto	Pedestrian	Pedestrian	Horse and rig	Horse and rig	Horse and rig	Pedestrian	Pedestrian	Motor truck	Horse and rig	Auto	redestrian	Anto	Horse and rie	Pedestrian	Auto	Team & wagon	Team & wagon	Team & wagon	Auto	Motor car	Pedestrian
Gates Gates Bell	Watchman	Unprotected	Unprotected	Unprotected	Unprotected	Unprotected	Unprotected	Unprotected	Watchman	Unprotected	Unprotected	Unprotected	Bell	Gates	Unprotected	Unprotected	Unprotected	Unprotected	Thorotogod	Tinnofected	Unprotected	Gates	Unprotected	Unprotected	Unprotected	Unprotected	Gates	Gates
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Montreal, Que., Vinet Street. Montreal, Que., Moreau Street. St. Hubert, Que., crossing west of station.	Yorkton, Sask., Broadway crossing. Creacy, 2 miles north of	Lang Station, 125 yards south. Kitchener, Ont., Lancaster Street.	Portage la Prairie, Man., Lee Street.	Guelph, Ont., Victoria Road crossing.	Chatham, Colborne Street.	Glen Tay, crossing M.P. 13	North Battleford, crossing 2 miles east	Craik Station, crossing north of	Toronto, Ont., George Street.	Bediord, Lain Street	kıver de Chute	Amon Station, 1st crossing north of	Almonte, Ont., John Street crossing.	Montreal, Mountain Street	Allouber Ict Oning's anguing	Nigarara Falla Stanlay Street	-	Brantford Dalhousie Street	Toronto, Mowatt Street.	Ste. Therese, Que. Sanchi Street.	Dauphin, Man., yard, west crossing.	London, Ont., Clarence Street	Birnie, 2 miles west of	Ottawa, Ont., Carleton Avenue	Miami, mile east of.	Ardley, B.C., Douglas Road crossing	Toronto, Eastern Avenue, Don.	Feterboro, Ont., Charlotte Street
G.T.R. G.T.R.	C.P.R.	G.T.R.	C.P.R.	T.T.R.	C.P.R.	C.P.R.	C.N.R.	C.N.R.	7.T.K	S.F.R.	C.F.R.		7.F.F.		7.F.	N.S. T. C. S. T.	N N	C.T.E.	C.T.B.	C.P.R.	C.N.R.	G.T.R.	C.N.R.	C.P.R.			7, 8	G.T.R.
18 8 26	29	13	17	200	11	23	13	91	14	777	200	91	101	010	17	77	20	0	16	29	26	20	00	100	9 6	77	20	7.7
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0	0	0
		Total number injured
Total number of investigations.	Total number killed	5

Employees While Working on or Under Engines, Invarigated During the Nine Months ending December 31, 1919 STATEMENT No. 10,-Showing Accidents to

In- jured	
Kii-	Optilio 1=11   [111111111111111111111111111
REMARKS	When tightening steem point, union and blow cff. When tightening steem point, union and blow cff. When taking water at crane, slipped and fell in tank. Shaking grates on engine, shaker bar slipped off. Flue burst in fre-box of ongine. When taking waters of ongine, shaker bar slipped off. Flue burst in fre-box of ongine. Water glass in engine such burst. Therein tank was pulled from engine cab, fell out. Standing on window sill of engine cab, fell out. Standing on window sill of engine cab, fell out. Standing on window sill of engine cab, fell out. Standing on window sill of engine cab, fell out. Standing on window sill of engine cab, fell out. Fore-arms burned while dumping and cleaning fire. Fore-arms burned while dumping and cleaning stand. Getting out of cab, fell to ground. Fingers caught in vestibule tender and cab of engine. Jumped from engine to avoid escaping steam, engine fall engine, fill to ground. Working down off front of engine, fell to ground. While getting down off front of engine, fill to ground in getting down off front of engine, fill to ground while getting down off front of engine. When brake was applied, steam came out of steam pipe. Struck by brake cylinder and apron when dismounting cab. Superheater header gave out, explosion in fire-box door. When brake was applied, steam came out of steam fill when mounting engine. Ran under engine raking ashpan, engine started. Fire broke through front end of engine. Reproving arch brits from fire-box Engine moved whilst man was under tender fixing Reversing lever dropped from centre.
PLACE	Straia Tranel Station. Out Victoriaville, Que. Bracekville, Que. Bracekville, Que. Bratista, Ont. Bratista, Ont. Bratista, Ont. Chalk River, Ont. St. Thomas, Ont. Ciapleau Nard, Ont. Ciapleau Nard, Ont. Samia Tunnel, Ont. Windsor, Ont. Orek, Ont. Brockville, Ont. Brockville, Ont. Brockville, Ont. Brockville, Ont. Brockville, Ont. Brockville, Ont. Guananque Jet., Ont. Belleville, Ont. Guerananque Jet., Ont. Belleville, Ont. Coperuge, Ont. Ground Hog Fit, Ont. Belleville, Ont. Belleville, Ont. Coperuge, Ont. Between Caldwell and Eganville, Ont. Coperuge, Ont. Between Caldwell ont. Brithmond, Que. Richmond, Que. Treadricton Yard, N.B. Coteau Jet., Que. Coperuge, Ont. Belleville, Ont. Belleville, Ont. Belleville, Ont. Corigin, Sask. Sectia Jet. West Toronto, Ont. Belleville, Ont. West Toronto, Ont.
2	00000000000000000000000000000000000000
Date	April 29 April 29 April 29 April 29 April 29 April 25 May 12 May 12 May 12 May 26 June 19 July 19 July 19 July 19 July 29 July 19 July 29 July 19 July 13 Aug. 28 Sept. 3 Aug. 28 Sept. 3 Aug. 28 Sept. 3 Oct. 9 Oct. 10 Oct. 24 Oct. 28
File	6615 6667 6667 6667 6667 6668 6672 6673 6732 6732 6732 6732 6733 6733

east of.	Vermilon Yard, Alta  Ashbury, Man  Victoria Pank, Ont  Fort Rouge Yards, Man  Newtonville, Ont  Chambord, Que.  Gamebridge, Out, I mile east of  St. Cyr, Que., ½ mile west of	east of S	1 1	1 1	1 1	1	1
Verminon Yard, Alta. Ashbury, Man. Victoria Park, Ont. Fort Rouge Yards, Man. Newtonville, Ont. Chambord, Que. Gamebridge, Ont., I mile east of. St. Cyr, Que., ½ mile west of.		COCORDIAN REPRESENTATION OF COCORDIAN REPRESENTATION REPRESENTATION OF COCORDIAN REPRESENTATION REPRESENTATION REPRESENTATION REPRESENTATION R	Torch exploded. Washout plug of tube sheet blew out.	Washout plug on engine blew out. Caught foot in brake gear when engine released brakes.	Shaker bar shpped off lever. Sprinkler pipe broke.	Struck by flying pieces of main pin when same broke.	CLOWIL Stays in 110ht of engine gave way.
	CONTR. CO		Vermilion Yard, Alta. Ashbury, Man.	Fort Rouge Yards, Man	Chambord, Que	Gamebridge, Ont., I mile east of	The state of the s

20c-51

Total number of investigations. 48
Total number killed. 1
Total number injured. 51

STATEMENT NO. 11 -Statuscum continue to number of diglosoy crossing accidents with the total number of killed and injured by provinces and railways for the nine months ending December 31, 1919.

		# 26 % :: : : : : : : : - : - : : - : : : - : : : : - :	163
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Name of Railway.		Creard Trunk Creard Trunk Creard Trunk Creard Trunk Algona Cen. & H.B. Late Truc & Net. Fera Marquette Kertle Valley. Van., Victoria & E. Handlina Kadial Brantford & Ham. Marine Central	Total

STATEMENT No. 12.—Statement showing highway crossings at which protection provided, and nature of protection, during the period of nine months ending December 31, 1919.

	Nature of Protection.	Cars to be kept back two car lengths from the south Automatic bell.  Day and night watchman during period of exhibition.  Automatic bell.  Automatic bell.  Two automatic bells, one on either side of tracks, also that trees obstructing the view toward the best at crossing when approaching from the south be cut down and that the watchman's cabin be removed: all cars to be kept back 100 feet east of the street.  Installation of wig-wag signal. Installation of wig-wag signal. Cars on north siding to be kept clear 100 feet, and when south siding is used, cars to be kept clear 100 feet.  Wig-wags and automatic bell.  Wig-wags and automatic bell.  Wig-wags and automatic bell.  Wig-wags and automatic bell.
10707 (70 1000)	Railway,	GGTR GGTR GGTR GGTR MCR MCR MCR CPR GCNR GCNR GCNR GCNR
	Location of Crossing.	Aultsville, Ont., Walnut street.  Aultsville, Ont., crossing 100 feet east.  Edmonton, Alfa., 115th avenue. Orillia, Ont., Muskoka Road crossing. Maidstone, Ont., Talbot Road crossing. Grenfell, Sask., Anderson street.  Niagara Falls, Ont., Bender avenue.  Niagara Falls, Ont., Ferry road.  Middlemarch, Ont., Ferry road.  Fort William, Ont., Brock street.  Fort William, Ont., Francis street.  Fort William, Ont., Francis street.  Fort William, Ont., Amelia street.
	Order No.	28210 28257 28258 28305 28406 28406 28547 28546 28546 28546 28546 28546 28536 29130 29131 29137 29137 29137
	File No.	26765-52 26765-86 26765-86 26765-80 26765-80 26842-12 9437-574 9437-931 27929-7 26711-17 26711-16 26711-15 8349-2

STATEMENT No. 13. Statement showing the number of highway crossings at which protection has been ordered by the Board, and the nature of protection set out by provinces, for nine months ending December 31, 1919.

Nature of Protection.	Nova Scotia	New Brunswick.	Quebec.	Ontario.	Manitoba.	Saskatchewan	British Columbia.	Alberta.	Total.
Reall Subway Reall and wig-wag Wig wag Watchman, day and night, period of exhibition Diversion. Removal view obstruction Closing of street. Cars to be kept clear on sidings specified				4 1 3 2 5 1		1 2 1 1		1	6 1 3 2 1 6 2 2 2
			-	02		7		1	28

STATEMENT No. 14.—Statement showing number of persons killed and injured at public highway crossings, separately for each year for four years ending March 31, 1919, and nine months ending December 31, 1919.

Year.	Gat	tes.	Ве	II.	Watch	ıman.	Unpro	tected	Tot	al.
1916. 1917. 1918. 1919. Nine months ending Dec. 31, 1919.	K. 3 10 6 3 4	1. 4 15 15 20 9	K. 9 4 9 10 4 36	8 10 12 20 7	K. 2 1 1 4 8	1. 5 13 5 7 9	K. 31 45 52 27 36 191	57 98 119 115 138	K.  45 60 67 41 48  261	74 136 151 162 163

Grand Total. Nine mos. 1919. Nine mos. Total. 1916 1917 1918 1919 mos. Total. 1916 1917 1918 1919 mos. Total. 1916 1917 1918 1919 1919. Total. separately for the four years ending March 31, 1919, and nine months ending December 31, 1919. Unprotected. Ξ ı, Bell. ~ Watchman. Nine mos. Total. 1916 1917 1918 1919 1919 **I**~ ~ ಣ Gates. 1916 1917 1918 1919 Ξ O -1 Automobile Total Horse and rig. Pedestrian.

STATEMENT No. 15.—Statement showing the number of highway crossing accidents, the nature of same, for each and every year

The total of 634 accidents covers 261 persons killed and 686 persons injured, as referred to in preceding statement.

FITTIMINE No. 16.— Statement showing the number of trespassors will d and injured by provinces and railways for nine number ending December 31, 1919.

	2000	89
Total.	X - 20 0 - 1 - 1 - 20 01	64
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Ontario.	21 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	30
Onts	7 404	36
Quebec.	- 1 0 0 vo	27
Que	412	13
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New Brunswick.	12	
ova tia.		
Nora Seotia.	2	
Nettorned Relievery.	Crand Trunk. Canadian Pacific. Canadian National. Canadian National. Canadian National. Caradian University of Partial National Central and Naturan Central. Catalor National Central and Kouthern. Neville Valley. Wabash. New York Central. New York Central. Vancouver, Victoria and E.	

STATEMENT No. 17.—Statement showing the number of persons killed and injured on the various railways under the jurisdiction of the Board from April 1, 1911, until March 31, 1919, and nine months ending December 31, 1919, classified under three headings and shown separately for each and every year.

Year.	Passengers.		Employees.		Others.		Total.	
	К.	I.	K.	Ι.	К.	Ι.	K.	I.
911. 912. 913. 914.	24 28 21 31 8	132 292 410 339 2 <sub>0</sub> 9	263 • 230 303 249 99	788 1,381 1,603 1,250 873	207 231 319 314 230	199 238 218 310 251	494 489 643 594	1,119 1,911 2,231 1,899 1,366
916	17 16 22	140 280 342	120 155 137	788 1,174 1,220	200 212 174	197 239 268	337 383 <b>3</b> 33	1,12 1,69 1,83
919	28	202 274	117 91	951	119 128	267 277	264 223	1,813 1,503
	199	2,650	1,764	11,372	2,134	2,464	4,097	16,48

11 GEORGE V, A. 1921

refleave uniter the juri-diction of the Board shown separately for one year for the four years ending March 31, 1919, and nine Statement N. 18. Statement showing the number of parants killed and injured in the more prominent are denote on the various months ending December 31, 1919.

	i.	937 239 272 165 272 165 272 272 273 274 4 15 65 65 65 65 65 65 65 65 65 6
Total.	K.	257 288 40 40 33 33 33 33 44 77 77 192 192 1,339
onths 31 1919	ij	247 251 251 252 253 253 253 253 253 253 253 253 253
Nine months and. Dec. 31 1919	K.	133 144 144 153 153 153 153 174 177 177 180
	-	050 04 04 05 05 05 05 05 05 05 05 05 05
41-92 41-92	3	274 274 274 274 274 274 274 274 274 274
,		244 277 288 277 288 277 288 277 288 277 277
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1816	7	305 1 4 1 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
		Derailment  (collision, head-on.  (collision, rear end.  (collision with cars, open switch  (collision with cars, open switch  (collision with cars foul of main line.  (collision at level crossing.  Highway crossing protected.  Highway crossing unprotected.  Adjusting couplers, uncoupling, etc.  Trespassing.  Faulty capplers, uncoupling, etc.  Trespassing.  Faulty of type of car.  Falling off passenger train.  Falling off type of car.  Falling off type of car.  Falling off the poard train in motion.  Run down by engine or ear.  Locomotive dropping crown sheet.

STATEMENT No. 19.—Statement showing Number of Cars Inspected together with defects for Nine Months ending December 31, 1919.

Per Cent Defective	60 03 69.81 57 66 46.57 100.00 100.00 76.00 76.00 77.00	63.26
Air Brakes	667 488 222 222 34 34 31 2 2 2 3 3 3 3 3 3 3 3 3 3 3 3 3 3 3	1,507
Per Cent Defective	1.62 3.43 10.95 10.95	2.30
Hand- holds	12 12 8 8	55
Per Cent Defective	18.73 13.59 20.51 15.06 3.03 8.00	16.70
Uncoupling	207 95 779 11 1	398
Per Cent Defective	3. 6.6.3.7 3. 7.8.86 3. 3. 3.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3	2.98
Couplers and parts	30 27 11 2 2	11
Grand Total Defects	1,105 699 885 73 73 73 73 85 73 73 85 74 85 85 74 85 85 74 85 85 74 85 74 85 74 85 74 85 74 85 74 85 74 85 74 85 74 85 74 85 85 74 85 85 74 85 85 74 85 85 85 85 85 85 85 85 85 85 85 85 85	2,382
Per Cent Defective	44.84 4.56 4.56 4.54 4.54 1.25 1.06 1.08 1.08 1.08 1.08 1.08	4.67
Cars	1,011 8601 846 69 81 2 2 1 1 447 30 44	2,142
Cars Inspected.	20,885 13,173 7,829 1,258 632 632 632 60 1,690 1,690	45,871
Name of Railway.	Canadian Pacific. Grand Trunk Canadian National. Grand Trunk Pacific. Grand Trunk Pacific. Toronto, Hamilton and Buffalo. Boston and Maine. Michigan Central. Dominion Atlantic.	

Per Cent defective.	3.25 2.86 6.49 12.32	3.33	3.86
Miscel- laneous.	20 0 20 0 20 0		92
Per Cent defective.	0.45 0.14 0.77		0.37
Height of couplers.	ಬ⊶ಣ		6
Per Cent defective.	8 .77 5 .57 6 .49 10 .95	10.00 13.33 25.00	7.51
Sill Steps.	23.99	70 4.1	179
Per Cent defective.	4.0.2.1.8.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0	4.00	2.98
Ladders.	455 8 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	707	71
Name of Railway.	Canadian Pacific Grand Trunk Canadian National Grand Trunk Pacific Pere Marquette	Boston and Maine. Michigan Central. Dominion Atlantic. Quebec Central.	

STATEMENT No. 20.—Statement showing defective safety appliances on freight cars as reported by the inspectors for nine months ending December 31, 1919.

COUPLERS AND PARTS.	AIR BRAKES.
Coupler body broken	Triple valve defective 1 Triple valve missing 1 Reservoir defective 1 Reservoir loose 1
Knacket Care Knacket Missing	Cylinder loose 21 Cylinder loose 54
Knuckle pin broken	Cylinder and triple valve not cleaned 12 months
Knuckle pin bent.  Knuckle pin missing. 6 Lock block broken. 54	date of cleaning
Lock block wornLock block wrongLock block bent	Release cock defective
Lock block inoperative 1 Lock block missing 1 Lock block key missing	Release rod missing 59 Angle cock defective 101
Lock block key missing.	Train pipe broken 13 Train pipe loose 60
Total	Train pipe bracket missing. 18 Crossover pipe defective. 13 Hose defective
UNCOUPLING MECHANISM.	Hose missing
Uncoupling lever broken         24           Uncoupling lever wrong         2           Uncoupling lever bent         27	Retaining valve missing.  Retaining pipe defective. 49
Uncoupling lever incorrectly applied. 5 Uncoupling lever missing. 18 Uncoupling chain broken. 293	Retaining pipe missing.  Brake rigging defective. 142  Brake cut out. 782
Uncoupling chain too short.	Brake cut out card old. 2 No brakes of any kind. 7 Pump missing
Uncoupling chain missing. 19 End casting broken. 2	Total
End casting wrong. End casting bent. End casting loose. 6	
End casting incorrectly applied.	LADDERS.
Keeper broken. Keeper wrong. Keeper bent. Keeper lovee	Ladder round broken         12           Ladder round bent         44           Ladder round loose         10
Keeper loose Keeper incorrectly applied K	Ladder round missing. 4 Ladder loose. 1 Ladder incorrectly applied.
Total	Total
HANDHOLDS,	SILL STEPS.
Handhold broken         5           Handhold bent         34           Handhold losse         9           Handhold incorrectly applied         7	Sill step broken       4         Sill step bent       143         Sill step loose       9         Sill step incorrectly applied       4         Sill step missing       19
Total	Total
HEIGHT OF COUPLERS	MISCELLANEOUS.
Coupler too high. 1 Coupler too low. 5 Carrier iron loose 3	Total. 92
Total	Grand Total

STATEMENT No. 21A.—Statement of defects on freight cars shown separately for four years ending March 31, 1919, and nine months ending December 31, 1919.

	1916.	1917.	1918.	1919.	Nine mos. ending Dec. 31,1919	Total.
Couplers and parts Uncoupling mechanism. Handholds. Air brakes. Ladders. Sill steps. Height of couplers. Miscellaneous.	100	100	54	109	71	434
	551	548	470	809	398	2,776
	340	291	158	152	55	996
	3,127	1,887	1,710	2,959	1,507	11,190
	151	99	97	142	71	560
	213	195	158	236	179	981
	4	4	6	11	9	34
	565	371	214	342	92	1,584

STATEMENT No. 21B.—Statement of cars inspected and defective shown separately for four years ending March 31, 1919, and nine months ending December 31, 1919.

	1916.	1917.	1918.	1919.	Nine mos. ending Dec. 31, 1919.	Total
Cars inspected	77, 491	58,073	52,224	77,261	45,871	310,920
Cars defective	4,541	2,957	2,499	4,232	2,142	16,371
Percentage defective	5.86	5.09	4.79	5.48	4.67	5.27

22.—Showing Number of Engines Inspected, by Radways. Together with Indicate, for Nine Month STATEMENT NO.

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Mildi.	26
C.P.R. G.T.R.	± ' → 1   00   1 ← 1   ← 1   00 00   70 → 4 → 1   1   1   00   → 1   1   1   1   1   1   1   1   1
C.P.R.	1 1 00 1 01 1 01 1 01 1 01 1 1 1 1 1 1
LOCOMOTIVE DEFECTS	1 Air compressors 3 Ash pans or mechanism 4 Arch, stubes 5 Boler checks. 5 Boler shell. 7 Boler shell. 8 Brake equipment 9 Cabs or cab windows. 10 Cab parons or decks. 11 Cab cards 12 Coupling or uncoupling devices. 13 Crossheads, guides, pistons or piston rods. 14 Crown bolts. 15 Cylinders, saddles or steam chests. 16 Cylinders, saddles or reging. 17 Domes or dome caps. 18 Draft gear. 19 Draw geer. 20 Driving boxes, shoes, wedges, pedestals and braces. 21 Fines. 22 Flues. 23 Frames, criticipies or pauge fittings, sir. 25 Gauges or gauge fittings, sir. 26 Gauge corks. 27 Gauge corks. 28 Grate shakers. 28 Grate shakers. 29 Handholds. 21 Injectors indoperative. 22 Gauge corks. 23 Lights, abo or classification. 24 Lights, abo or classification. 25 Lights, abod lights. 26 Lubricator or shields. 27 Mud rings. 28 Lubricator or shields. 29 Packing nuts. 31 Packing nuts. 32 Packing nuts. 33 Packing nuts.

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41 Plugs or studs. 42 Reversing gear. 43 Rods, main or side, crank pins, or collars. 44 Safety valves.	46 Springs or spring rigging 47 Squirt hose. 48 Staybolts. 50 Staybolts. 50 Staybolts broken.		55 Throttle or throttle rigging. 65 Tucks, engine or trailing. 57 Tucks, tender. 58 Valve motion.	Waterglas Waterglas Wheels. Wheels. Miscellan brakes (Under rel Held for Ready for Fire prote	Number of defects.  Locomotives inspected Locomotives defective.  Percentage inspected, found defective.

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### APPENDIX D.

OTTAWA, February 16, 1920.

Mr. A. D. Cartwright,

Secretary, Board of Railway Commissioners for Canada, Ottawa, Ontario.

Sir.—I have the honour to submit herewith the report of the Fire Inspection Department for nine months ending December 31, 1919, for the fifteenth annual report of the Board.

### ORGANIZATION.

The plan of co-operation with the Dominion and provincial forest fire protective organizations reported in previous annual reports has been continued. During the past year eighty-five officials of such organizations acted as officers of the Fire Inspection Department, as follows:—

British Columbia Forest Branch	31 men.
randida Phases Buch.,	5 "
Ontario Forestry Branch	23 "
Quebec Forest Service	15 "
New Brunswick Forest Service	2 "
Office of Fire Commissioner of Saskatchewan	2 "
Total	85 men

### RAILWAY FIRE PATROLS.

The standardized system of railway fire patrols which railway companies are required to place in effect during the fire season, as outlined in previous reports, was not materially altered. In certain limited territory, a trial is being made of special fire patrols by men detailed from section crews, instead of by extra men who have no other duties. This plan can give satisfactory results only under unusually favourable conditions, such as the adequate staffing of section forces, special overhead supervision by the railway company, clean rights of way and adequate inspection by the Board's local organization. It is very difficult to check the maintenance of such patrols, and the cost to the railway is probably higher than where special men are engaged for the purpose, providing the work is performed conscientiously. On the other hand, where so performed, good results are secured.

### FIRE STATISTICS.

The firese suit at 14th was the most serious which has been experienced by tamak to whole is many years. Prolonged periods of drought occurred in nearly all target at the Damioian. The comparatively heavy loss due to railway fires is but an index of what occurred with respect to fires of other origin in all the forest provinces.

In the West, labour troubles resulted in the partial use, during the summer, of certain grades of coal which under normal conditions would have been used only thring the winner countles. This condition he doubt added somewhat to the number of fires due to locomotive sparks.

A grand total of 1,327 fires, from all causes, were reported as having originated within 300 feet of railway lines subject to the Board during 1919. These fires were distributed throughout the Dominion as follows:—

```
405 fires or 30.6 per cent occurred in British Columbia. 297 " " 22.4 " " " Prairie Provinces. 521 " " 39.2 " " " Ontario. 84 " " 6.3 " " " " Quebec. 8 " " 0.6 " " " " New Brunswick. 12 " " 0.9 " " " " Nova Scotia.
```

Of the grand total of 1,327 fires reported, 504 covered less than one-fourth acre each, doing no damage, while 823 were larger fires, which burned over 246,987 acres, destroying property valued at \$536,632. Of the larger fires, 77.8 per cent are definitely attributed to railway agencies, 4.9 per cent to known causes other than railways, and 17.2 per cent to unknown causes. A total area of 246,987 acres was burned over, of which 86.6 per cent is chargeable against the railways, 3.7 per cent to known causes other than railways, and 9.7 per cent to unknown causes. Of the total of \$536,632 damage, the railways are definitely charged with 95.9 per cent, while 0.4 per cent of the damage is due to known causes other than railways, and 3.7 per cent to unknown causes.

The grand total of 246,987 acres burned over by these fires is distributed throughout the Dominion as follows:—

British Columbia	25,923 acres.
Prairie Provinces	174,525 "
Ontario	44,856 "
Quebec	1,616 "
New Brunswick	31 "
Nova Scotia	36 ''

SUMMARY of Reports on the statement of the Board of Railway Commissioners for Canada, season of 1919.

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Algoma Confral and Hudson Bay.	6	10	10	: म् स्यास्त्रहरू	59	\$ 24 280 19,365(	\$19,669	
Edmonton, ton, Dunveyan, evid British Columbia	16	17.3	80	1,027 392 1,177 1,177	3,526	\$ 2,183 1,069 3,680 5,074	\$12,006	tond CA
See .	100	10	25	80 840 1,117	2,073	\$ 165 50 27,280 2,612	\$30,107	67
Created Frunk.	8 9 10	20 91	24	च च च च ११	50	\$ 25 1,280 122	\$ 1,427	
Grand Trynk Lucific.	rc 0 70 4	\$35 F	123	14,395 820 2,683 436	18,334	\$36,686 3,065 50 (g) 2,068	\$41,869	2 - 2
Canadian	115 87 78	119 104	223	2,356 2,356 7,815 49	10,451	\$ 2,840 575 f) 32,032	\$35,447	p-mil
('anadian Vinterial (N'esseria Lines) (c)	82 TO 4	14 37 68	105	64, 636 69, 058 7, 791 10, 860	152,345	\$7.,541 236,651 1,815 11,799	\$322,806	63
Canadian Canadian Fig. 17 No. 18 No.	164	16.9 16.9	215	12, 296 253 5, 316 323	18,188	\$34,453 1,710 195 918	837,276	. 61
Nulli.	33.6	ေးထုံး	41	274 200 1883 888 888	1,820	\$ 2,182	\$ 4,769	
Canadian F. W. Western Lines) (a)	80	191	168	2,666 435 3,058 870	7,023	\$ 4,972 2,494 63 1,590	\$ 9,119	oc
	A. Ranway Fhees.  1. Number by Causes— (a) Locomotives, Class A fires.  Locomotives, Class B fires.	(b) Employees, Class A Bres	Potal of all railway fires	2. Areas burned (Acres)—  7. Young forest growth  7. The lower land  7. Sussking or old burn  d) Other classes of land	Total .	5. Value of property destroyed— (a) Young forest growth (b) Standing timber (c) Forest products (d) Other property	Total,	B. Known Causes other than Rail Number by Causes— (a) Campers and travellers— (a) Cass A fires. (a) Cass B fires.

11 19 20 36 36 36	65	429 8, 238 453	9,107	\$ 62 29 96 1,842	\$ 2,029	70	229	16,046 927 6,434 554	23,961	\$ 12,568 3,305 604 3,569	\$ 20,046
				46	69	000	00	451	762	25.	\$ 25
	1	10	10	60	69		TO.	15 640 1,455	2,110	\$ 30	\$ 3,040
C3 — 4	25	907 20	13	\$ 9	\$ 31					60	60
2 2 2	ಬ	5,045	5,275	**	\$ 768		2	დ —	4	69	69
	1				€0		y		Π,	718	\$ 718
	3	4	4	69	69	10	20	1,267	1,270	64 064	69
40000	13	405	3,407	\$ 53	\$ 109	27	33	83 1 147 38	269	\$ 178 157 40 687	\$ 1,062
61 to 61 44 70	6	185	347	96	96 \$	. 21	23	7,020 200 22 23	7,265	\$ 3,560 600 500 450	\$ 5,110
<u>चच</u> चच40	9	17	17	€€	· ·	19	20	7,958 - 35 35 3,058 135	11,186	\$ 4,050	\$ 4,832
H 01 00	3	100	2		\$ 25	9	9	00	10		\$ 40
4222 12	19	1 25	27	\$ 1,000	\$ 1,000	43 33	26	970 40 30 44	1,084		\$ 5,150
(b) Settlers, Class A fires. Settlers, Class B fires. (c) Other known causes— Class A fires. Class B fires. (d) Total of Class A fires. Total of Class B fires.	Total of all known causes	2. Areas burned (Acres)— (a) Young forest growth (b) Timber land (c) Slashing or old burn (d) Other classes of land	(c) Total	3. Vaiue of property distroyed— (a) Young forest growth. (b) Standing timber. (c) Forest products. (d) Other property.	(e) Total	C. FIRES OF UNKNOWN ORIGIN.  1. Number— (a) Total of Class A fires (b) Total of Class B fires	(c) Total of all unknown fires	2. Areas burned (Acres)— (a) Young forest growth (b) Timber land. (c) Slashing or old burn. (d) Other classes of land.		7	(e) Total

SUMMER of Report on the facility softlement out has within New Beet of trail, in cultury little subject to the jurisilletion of the Board of Railway Commissioners for Canada, season of 1919,—Concluded.

	Pacific Western Lines) (a)	Kettle Valley	Pacific (Eastern Lines) (b)	Canadian Canadian National National (Western Eines) (c) Lines (d)	Canadian Canadian National National Western (Fastern Lines) (c) Lines) (c)	Grand Trunk Pacific	Crand	Great	Fulturess ton, Dunvegan and British Columbia	Algoma Central and Hudson Bay.	Miscel- laneous (e)	Totals
D. Crand Totals for All Causes.  1. Number— (a) Total of all Class A fires	146	9	69	84.2.	31	26	61-	101-	86		#=	504
(c) Total of all fires reported	263	20	291	137	269	131	26	32	85	16	27	1,397
2. Areas hurned (Acres)— (a) Young forest growth. (b) Timber land. (c) Slashing or old hurn. (d) Other classes of land.	3,631 3,113 9,113	442 319 186 890	20,271 288 8,374 458	71,656 69,258 7,998 11,045	2,844 232 10,963	14,395 823 3,950 4440	34 12 12	80 840 6,145 287	1,033 394 1,177	29 640 1,498	25 462 325	114,410 73,270 43,900 15,407
(e) Total	8,134	1,837	29,391	159,957	14,127	19,608	51	7,352	3,539	2,179	812	246,987
Value of property distroved—  (a) Young forces growth  (b) Standing timber  (c) Forces products  (d) Other property	\$ 9.722 2,594 2,890 2,890	1,782	2,118 2,118 1,292	876,101 237,251 2,411 12,249	\$ 3.071 732 40 32,775	\$36,686 3,065 114 2,073	3. 25 1,280 840	\$ 165 50 27,280 3,380	\$ 2,192 1,073 3,680 5,092	\$ 54 2,000 280 280 20,375	S	\$168, 713 250, 693 35,343 81,883
(e) Total	\$15,269	\$ 4,834	\$42,108	\$328,012	\$36,618	\$41,938	\$ 2,145	\$30,875	\$12,037	829,709	82	(\$536,632(1)

Includes Esquimalt and Nanaimo Railway.
 Includes Dominion Atlantic Railway.

nelades Canadian National Railway lines subject to the Board's jurisdiction. Eveludes Canadian Government Railways (Transcontinental, Intercolonial (d) Includes Halifax and South Western Railway. and Hudson Bay Railways).

Includes following lines: Algorna Fastern: Atlantic, Quebec and Western and Quebec Oriental; Boston and Maine; Cumbertand Railway and Coal Company; Maine Central: Temisconata: Western Power Company of Canada: White Pass and Yukon.

(a) Of this amount, \$22,456 is estimated value of buildings and property destroyed when the village of Deer Lake, Ontario, was burned: \$8,368 is value of two (f) Of this amount, \$9,500 is estimated value of station buildings destroyed.

railway bridges destroyed. (h) This amount represents value of two railway bridges destroyed.

Norg. No fires were reported during 1919 as originating within 300 feet of track along the following lines: Ottawa and New York: Quebec, Montreal and Southern. (i) Of this total, \$81,883 represents value of property other than forest growth destroyed. ('lass A fires are those which cover an area of less than one-fourth acre. Class B fires are those which cover an area of one-fourth acre or more.

### RIGHT OF WAY CLEARING.

The systematic removal of inflammable debris and the cutting and disposal of brush growth on railway rights of way was to a considerable extent limited during the period of the war, due to labour and financial conditions. This line of work is now being given increased attention in many sections of the country and it is anticipated that a creditable showing will be made during the coming year, though labour and financial conditions have not yet ceased to be problems with the railways.

### FIRE PROTECTIVE APPLIANCES ON LOCOMOTIVES.

Officers of the Fire Inspection Department have made 1,860 inspections of fire protective appliances on locemotives operating through forested territory, during the past fire season. Twenty-two per cent of the locomotives inspected were found defective as to some feature of fire-protective appliances.

The following table shows the number of locomotives so inspected and the recentage found defective on the more important railway lines:—

Railway.	Number Inspected.	Number Defective.	Per cent Defective.
Canadian Pacific	731	202	. 28
Canadian National	623	107	17.
Grand Trunk Pacific	7.9	36	4.6
Grand Trunk	178	18	1:0
Edmonton, Dunvegan and British Columbia.	8/5	7	8
Great Northern	2,6	12	46
Kettle Valley	2.1	6	2.9
Algoma Central and Hudson Bay	2.3	3	1/3
Algoma Eastern	18	3	1.7
Atlantic, Quebec and Western and Quebec			
Oriental	1.0	9	9.0
Temiscouata	16	4	26

While the showing made on the whole, by the various railway companies, with respect to the maintenance of fire protective appliances on locomotives in an efficient condition, is slightly better than in previous years, there is still room for considerable improvement, particularly on the Halifax and South Western Railway, the Grand Trunk Pacific Railway, and the Canadian Pacific Railway eastern lines in Ontario.

During the fire season of 1919, sparks thrown from locomotives are presumed to have caused 966 fires, or 72.8 per cent of all fires reported. These burned over 213,919 acres and did damage estimated at \$514,557.

There is urgent need for a more effective spark-arresting device than the master mechanics' front end. Experiments along this line have been under way by some of the railway companies, in co-operation with the Operating and Fire Inspection Departments of the Board. The situation is serious and the matter should be brought to a definite conclusion as soon as possible.

# FIRE GUARD REQUIREMENTS.

The fire guard requirements in effect in 1918 were continued and further progress was made in the direction of reducing the width of fire guards to be ploughed in wild lands and fenced grazing lands. The eight-foot optional basis of ploughing guards in these classifications was extended to cover all lines of the Canadian National Railways under the Board's jurisdiction in Alberta, Saskatchewan and Manitoba, and to the Canadian Pacific lines in the same provinces with the exception of the Kelfield, Cutknife, Maple Creek, Bassano and Irricana subdivisions and certain specified portions of the Outlook, Swift Current, Brooks, Langdon and Laggan

subdivisions, where the sixteen-foot standard was to be continued. Conditions were specified under which this optional basis might be made effective by the companies. The special arrangements made in 1918 for the conduct of experiments in specified limited territory were continued as to the main line of the Grand Trunk Pacific Railway between Winnipeg and Edson, and between Edmonton and mileage 70 of the Edmonton, Dunvegan and British Columbia Railway.

The fire hazard during 1919 in the prairie sections of Western Canada was no less serious than was the case in the forested territories. The extreme drought in the Prairie Pravinces caused an neute shortage of pasturage and hay feed for the feeding of live stock, and the necessity for preventing the destruction of hay and pasturage by fire was most important. This situation was placed before the railways concerned, and they were urged to observe strictly all the requirements of the Board with respect to fire protection, in order that the loss of pasturage by railway fires might be kept at the lowest possible figure.

The showing made by the various railway companies with respect to the construction and maintenance of fire guards during 1919 is probably the best in several years. Early from and showfalls interfered somewhat with the burning off of rights of way, as also with the completion of ploughing operations in some localities, otherwise a greater mileage of fire guards constructed might have been reported.

### FIRE GUARD STATISTICS.

The accompanying fire guard statistical report shows 14,256·30 track miles of railway lines in the Prairie Provinces subject to the fire guard requirements, an increase of 18·40 miles over 1918. This is equivalent to 28,512·60 fire guard miles, since fire guards are required to be maintained on both sides of a railway line. The report indicates that 9,947·39 miles of fire guards were constructed or maintained during the past year, and 18,565·21 miles for various reasons were not constructed. Of this, there was exempted by this department 8,490·36 miles; owner of land refused to allow construction, 72·25 miles; land already ploughed, 2,578·46 miles; grain stabble and caltivated bay lands not fire guarded by owner, 5,430·43 miles. Thus, as to a total of 16,571·50 miles of fire guards not constructed, the reasons assigned by the companies were considered acceptable, leaving 1,993·71 miles unaccounted for, but which presumably should have been fire guarded.

SUMMARY of Fire Guard Construction and Maintenance by Railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1919.

British Columbia   Pacific.   P		1					
Length in fire guard miles¹		ton, Dunvegan and British	Northern.	Trunk			Totals.
(a) Grain stubble lands (fireguarded (b) Cultivated hay lands \( \) by owner. \( \) 40.00 \( \) \( \) 209.90 \( \) 345.76 \( \) 599 \( \) (c) Fenced grazing lands. \( \) 49.00 \( \) 655.40 \( \) 563.30 \( \) 1,478.20 \( \) 2,741 \( \) (d) Wild lands. \( \) 1.00 \( \) 494.90 \( \) 1,251.50 \( \) 2,277.10 \( \) 40.22 \( \) Fire guards not constructed (shown in fire guard miles)—  Exemptions <sup>2</sup> \( \) 744.41 \( \) 30.00 \( \) 1,202.90 \( \) 3,987.80 \( \) 2,525.25 \( \) 8,490 \( \) 0 Owner refuses to allow construction <sup>3</sup> \( \) 1.10 \( \) 291.00 \( \) 281.00 \( \) 934.70 \( \) 1,362.76 \( \) 2,575 \( \) 4.71 \( \) 1,362.76 \( \) 2,575 \( \) 1,312.90 \( \) 2.744.00 \( \) 50.75 \( \) 7 \( \) 1,312.90 \( \) 2.744.00 \( \) 50.75 \( \) 7 \( \) 1,312.90 \( \) 2.744.00 \( \) 50.75 \( \) 7 \( \) 1,312.90 \( \) 2.744.00 \( \) 50.75 \( \) 7 \( \) 1,312.90 \( \) 2.744.00 \( \) 50.75 \( \) 7 \( \) 1,312.90 \( \) 3.7470 \( \) 1,362.76 \( \) 2.757 \( \) 1,312.90 \( \) 3.7470 \( \) 1,362.76 \( \) 2.757 \( \) 1,312.90 \( \) 3.7470 \( \) 1,362.76 \( \) 2.757 \( \) 1,312.90 \( \) 3.7470 \( \) 1,362.76 \( \) 2.757 \( \) 1,312.90 \( \) 3.7470 \( \) 3.7470 \( \) 1,312.90 \( \) 3.7470 \( \) 3.7470 \( \) 3.7470 \( \) 3.7470 \( \) 3.7470 \( \) 3.7470 \( \) 3.7470 \( \) 3.7470 \( \) 3.7	Length in fire guard miles <sup>1</sup> Fire guards constructed (shown in fire	813 - 60			5, 271·60 10, 543·20	6,412·72 12,825·44	14,256·30 28,512·60
Total miles of fire guards constructed   290.00   1,312.90   2,744.60   5,599.89   9,947	<ul> <li>(a) Grain stubble lands</li> <li>(b) Cultivated hay lands</li> <li>(c) Fenced grazing lands</li> </ul>		40·00 49·00	655.40	$209 \cdot 90 \\ 563 \cdot 30$	345.76 $1,478.20$	595.66 2,745.90
$ \begin{array}{c ccccccccccccccccccccccccccccccccccc$	Total miles of fire guards constructed Fire guards not constructed (shown in fire guard miles)—		290.00	1,312.90	2,744.60	5,599.89	4,024·50 9,947·39
lands	Owner refuses to allow construction <sup>3</sup> Unnecessary; land already ploughed <sup>4</sup> (a) Grain stubble			1·10 281·00	$20 \cdot 40 \\ 934 \cdot 70$	50.75	72.25
Miscellaneous other reasons	landsnot fireguarded  (b) Cultivated hav by owner <sup>5</sup> .					169.70	
Total miles of fire guards not constructed	Total miles of fire guards not con-			-		_,,,,,	_,,,

<sup>&</sup>lt;sup>1</sup> Fire guard mileage is double the track mileage, since the construction of fire guards is required on both sides of the track.

<sup>2</sup> Company exempted from fire guard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

<sup>3</sup> Employees of railway company refused permission, by owner, to enter upon land for purpose of constructing fire guards.

# COMPLAINTS re FIRE GUARDS.

No specific complaints were received during 1919.

One application was received from the Canadian Pacific under clause 4, section "C" of the Fire Guard Requirements, requesting permission to enter upon land for the purpose of constructing fire guards, where the land owner refused to allow such construction. The matter was investigated and amicably arranged, no order being required.

Respectfully submitted,

CLYDE LEAVITT. Chief Fire Inspector.

<sup>4</sup> Fire guarding unnecessary, because fields already ploughed.
6 Fire guarding in grain stubble and in cultivated hay lands required only where the landowner or occupant would undertake to plough guard at the reasonable price specified by the Board.

# APPENDIX "E".

List of Cases appealed to the Supreme Court of Canada, from February 1, 1904 to December 31, 1919.

1114   Montreal Terminal Railway z. Montreal Street Railway, Fius IX Avenue crossing, Montreal. Question of jurisdiction			
lange Bay Railway v. Grand Trunk Railway v. Canada Atlantic Railway v. Grands Street subway, Ottawa v. Canada Atlantic Railway v. Canada Street subway, Ottawa. Question of law.  1021 Toronto Railway v. Grand Trunk Railway v. Canada Atlantic Railway. Grand Street subway, Ottawa. Question of law.  1021 Toronto Railway otnpany from order of the Board Jurisdiction.  588 Rr Toronto Union Station. A. R. Williams expropriation. Question of the C.P.R., and G.T.R., Toronto. Question of jurisdiction.  1030 Robinson v. Grand Trunk Railway, two-cent rate. Question of law.  1040 T. D. Robinson v. Grand Trunk Railway, two-cent rate. Question of law.  105 Robinson v. Grand Trunk Railway v. Canada Trunk Railway. Question of jurisdiction.  105 Robinson v. Grand Trunk Railway spur at Winnipeg. Question of jurisdiction.  106 Post of the Canada Northern Railway spur at Winnipeg. Question of jurisdiction.  107 D. Robinson v. Canadian Northern Railway spur at Winnipeg. Question of jurisdiction.  108 Robinson v. Grand Trunk Railway spur at Winnipeg. Question of jurisdiction.  109 Post of jurisdiction.  109 Post of Jurisdiction.  100 Post of Jurisdiction.  100 Post of Jurisdiction.  100 Post of Jurisdiction.  101 Post of Jurisdiction.  102 Post of Jurisdiction.  103 Post of Jurisdiction.  103 Post of Jurisdiction.  104 Post of Jurisdiction.  105 Post of Jurisdiction.  105 Post of Jurisdiction.  106 Post of Jurisdiction.  107 Post of Jurisdiction.  108 Post of Jurisdiction.  109 Post of Jurisdiction.  109 Post of Jurisdiction.  109 Post of Jurisdiction.  109 Post of Jurisdiction.  100 Post of Jurisdiction.  101 Post of Jurisdiction.  102 Post of Jurisdiction.  103 Post of Jurisdiction.  103 Post of Jurisdiction.  104 Post of Jurisdiction.  105 Post of Jurisdiction.  105 Post of Jurisdiction.  105 Post of Jurisdiction.  106 Post of Jurisdiction.  107	File No.	Subject.	Decision.
don, Ont. Question of jurisdiction.  1487   T. D. Robinson r. Canadian Northern Railway spur at Winnipeg. Question of jurisdiction.  1587   Montreal Street Railway re rates, Montreal Royal Ward. Question of jurisdiction.  1587   C. 4419   Department of Agriculture, I rovince of Ontario v. Grand Trunk Railway, station at Vincland. Question of jurisdiction.  1587   Re fencing and cattleguards, Order No. 7473. Appeal by C. N. Ry. Co. Question of jurisdiction.  1587   C. 4492   City of Toronto v. Grand Trunk Railway and Canadian Facific Railway. Question of jurisdiction.  1587   Grand Trunk Railway r. Canadian Northern Ontario Railway, spur in township of Scarboro, Ont. Question of jurisdiction.  1587   Grand Trunk Railway v. Canadian Northern Ontario Railway, spur in township of Scarboro, Ont. Question of jurisdiction.  1588   Grand Trunk Railway v. Canadian Northern Ontario Railway, spur in township of Scarboro, Ont. Question of jurisdiction.  1595   Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Company, Limited, and William Humberstone v. Grand Trunk Pacific Railway company v. British American Oil Companies. Question of jurisdiction.  15330   Canadian Pacific Railway Company v. British American Oil Companies. Question of jurisdiction.  15330   Canadian Pacific Railway Company v. British American Oil Companies. Question of jurisdiction.  15330   Canadian Pacific Railway Company v. Vancouver, Victoria and Eastern Railway v. City of Vancouver, Question of jurisdiction.  15330   Canadian Northern Railway Company v. William A. Taylor, Question of Jurismissed.  15330   Canadian Northern Railway Company v. William A. Taylor, Question of Jurismissed.  15330   Canadian Northern Railway Company v. William A. Taylor, Question of Jurismissed.  15330   Canadian Northern Railway Company v. William A. Taylor, Question of Jurismissed.  15330   Canadian North	1492 383 1621 588 C. 1680 C. 1309	crossing, Montreal. Question of jurisdiction.  James Bay Railway v. Grand Trunk Railway crossing. Belt line spur. Question of law.  Ottawa Electric Railway and City of Ottawa v. Canada Atlantic Railway, re Bank Street subway, Ottawa. Question of law.  Toronto Railway Company from order of the Board No. 7813, dated July 3, 1909, re high level bridge over the Don Improvement and tracks of the C.P.R., and G.T.R., Toronto. Question of jurisdiction.  Re Toronto Union Station. A. R. Williams expropriation. Question of  Lett.  Essex Terminal and Windsor, Essex and Lake Shore Railroad, crossing in township of Sandwich, Ont. Question of law.  Robinson v. Grand Trunk Railway, two-cent rate. Question of law.	Dismissed.  Dismissed.  Dismissed.  Dismissed.
C. 4719 Department of Agriculture, I rovince of Ontario v. Grand Trunk Railway, station at Vincland. Question of jurisdiction	1.107	don, Ont. Question of jurisdiction.  [T. D. Robinson v. Canadian Northern Railway spur at Winnipeg. Question of jurisdiction  [Montreal Street Railway re rates, Montreal Royal Ward. Question of	Dismissed.
C. 4492 C. 3378 C. 2545 City of Toronto v. Grand Trunk Railway and Canadian Pacific Railway Companies, re commutation rates. Question of law. City of Ottawa and County of Carleton, re Richmond Road viaduct Question of jurisdiction. C. 3269 Grand Trunk Railway v. Canadian Northern Ontario Railway, spur in township of Scarboro, Ont. Question of jurisdiction. C. 3269 Grand Trunk Railway v. British American Oil Companies, re oil rates. Dismissed. Dismissed. Dismissed. Companies, re oil rates. Co	C. 3322	Department of Agriculture, Trovince of Ontario v. Grand Trunk Railway, station at Vineland. Question of jurisdiction	Dismissed.
C. 3269 Grand Trunk Railway v. British American Oil Companies, re oil rates.  1519 Grand Trunk Pacific Railway v. City of Fort William, re location. Question of jurisdiction.  11965 Niagara, St. Catharines and Toronto Railway v. Davy. Question of Jurisdiction.  15580 Clover Bar Coal Company, Limited, and William Humberstone v. Grand Trunk Pacific Railway Company and the Clover Bar Sand and Gravel Company. Question of jurisdiction.  12682 Regina Rate Case. Question of jurisdiction.  Canadian Pacific Railway Company v. British American Oil Companies. Question of jurisdiction.  Canadian Pacific Railway Company v. British American Oil Companies. Question of jurisdiction.  British Columbia Electric Railway Company, Vancouver, Victoria and Eastern Railway v. City of Vancouver. Question of jurisdiction.  Eastern Railway v. City of Vancouver. Question of jurisdiction.  Canadian Northern Railway Company v. William A. Taylor. Question of jurisdiction.  Grand Trunk Railway Company v. City of Edmonton, Alta. Question of law.  Oismissed.  Dismissed.	C. 4492 C. 3378 C. 2545	Question of jurisdiction.  City of Toronto v. Grand Trunk Railway and Canadian Facific Railway  Companies, re commutation rates. Question of law  City of Ottawa and County of Carleton, re Richmond, Road visiduct	No action.
19527 Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Street Railway (Montreal, Park and Island Railway) re rates, Montreal Street Railway (Montreal, Park and Island Railway) re rates, Mollowed. Allowed.  Allowed.  Allowed. Dismissed.  Oismissed.  Dismissed.	C. 3269	Grand Trunk Railway r. British American Oil Companies, re oil rates.	Dismissed.
Allowed   Allowed   Allowed   Clover Bar Coal Company, Limited, and William Humberstone v. Grand   Truck Parlin Earliery Company and the Clover Bar Sand and Gravel Company. Question of jurisdiction.   Allowed   Dismissed   Canadian Pacific Railway Company v. British American Oil Companies   Dismissed   Dismissed   Canadian Pacific Railway Company v. British American Oil Companies   Dismissed   Dis	11965	Niagara, St. Catharines and Toronto Railway v. Davy. Question of	
Grand Trunk Pacific Railway v. A. E. Purcell of Saskatoon, Sask. Question of jurisdiction.  C. 3269  Canadian Pacific Railway Company v. British American Oil Companies. Question of jurisdiction.  Grand Trunk and Canadian Pacific Railway Companies v. Canadian Oil Companies. Question of jurisdiction.  British Columbia Electric Railway Company, Vancouver, Victoria and Eastern Railway v. City of Vancouver. Question of jurisdiction.  E. B. Chambers and W. B. G. Phair v. Canadian Pacific Railway Company v. Canadian Northern Railway Company v. William A. Taylor. Question of jurisdiction.  Grand Trunk Railway Company v. City of Edmonton, Alta. Question of law.  Montreal Trunk Railway and Montreal Park and Island Railway Lord British Columbiased.  Dismissed.  Dismissed.  Dismissed.  Dismissed.  Dismissed.  Dismissed.		Mount Royal Ward. Question of jurisdiction.  Clover Bar Coal Company, Limited, and William Humberstone v. Grand  Tonk Politic Rallway Company and the Clover Bar Sand and	
Grand Trunk and Canadian Pacific Railway Companies v. Canadian Oil Companies. Question of jurisdiction.   Dismissed.	17963	Grand Trunk Pacific Railway v. A. E. Purcell of Saskatoon, Sask. Question of jurisdiction.	Dismissed.
E. B. Chambers and W. B. G. Phair v. Canadian Pacific Railway Company v. Canadian Northern Railway Company v. William A. Taylor. Question of jurisdiction.  Grand Trunk Railway Company v. City of Edmonton, Alta. Question of law.  Montreal Trunway and Montreal Park and Island R. J Dismissed.	$15330 \cdot 1$	Grand Trunk and Canadian Pacific Railway Companies v. Canadian Oil Companies. Question of jurisdiction.  British Columbia Electric Railway Company, Vancouver Victoric and	
of law		E. B. Chambers and W. B. G. Phair v. Canadian Pacific Railway Company Operior of jurisdiction.  Canadian Northern Railway Company v. William A. Taylor. Question of jurisdiction.	Allowed.
		of law Montreal Tramway and Montreal Park and Labord Park	Dismissed.

List of Cases appealed to the Supreme Court of Canada, from February 1, 1904 to December 31, 1919—Continued.

File No.	· Subject.	Decision.
23009	City of Hamilton v. Toronto, Hamilton and Buffalo Railway. Question of jurisdiction	
21428 12021·70	Grand Trunk Railway v. Hepworth Silica Pressed Brick Company.  Question of law.  Toronto Railway Company and ity of Toronto v. Canadian Pacific Rail-	Dismissed.
$9437 \cdot 153$	way Company. Questions of law and jurisdiction	
27524	panies) v. Bell Telephone Company. Question of law Grand Trunk Railway v. H. Bourassa of Laprairie, Que., against Order 26387, dated July 28, 1917. Questions of law and jurisdiction	
13622	Great Northern Telegraph Company, for opinion of the Court on question of law involved in matter of General Order No. 162	Abandoned.
27840	Government of Manitoba and J. H. Ashdown Hardware Company of Winnipeg, re 15 per cent increase in freight rates. Question of juris- diction	Abandoned.
26981	Canadian Pacific Railway v. Department of Public Works, Ontario, rehighway crossing in township of Kirkpatrick, Ont. Question of law	Withdrawn.
11118	Esquimalt and Nanaimo Railway, re rights of the City of Victoria to have access over the bridge at Victoria Harbour. Question of juris-	
28439	Municipality of Burnaby, B.C., v. British Columbia Electric Railway,	Abandoned.  Abandoned.
	City of Toronto v. Toronto Terminal Railway re pressure pipes under Bay, Scott and Yonge streets, Toronto. Question of law	Dismissed.
	Application of Mr. Wagenast for a stated case in re the Brampton commutation rate case. Question of law	Dismissed.
C. 2987	Ottawa Electric Railway against Order of the Board disallowing proposed increase in passenger rates. Question of jurisdiction	Pending.

List of Appeals to the Governor in Council, February 1, 1904, to December 31, 1919.

File No.	Subject.	Decision.
399 1455 1781	Bay of Quinte Railway crossing C.P.R. at Tweed, Ont	Dismissed. Dismissed.
12992 2030 17716	Maniwaki Branch of the C. P. R. train service from Ottawa.  Re tariffs of certain Yukon Railways.  Canadian Pacific Railway Longue Pointe spur through Town of Maison- serve. Que Serve. Hisselton Townsite Grand Trunk Pacific Railway	Referred back. Dismissed. Dismissed. Allowed.
18787 3452 - 30 12912 17040	J. Y. Rochester re Cameron Bay v. Grand Trunk Pacific Railway Park Avenue Subway, Town of St. Louis, Que, v. Canadian Pacific Rail-	Dismissed. Dismissed. Abandoned.
C. 3322 12021-70 16177	Toronto Viaduct Case.  City of Toronto, re Toronto North Grade Separation.  Canadian Pacific Railway r. Mountain Lumber Manufacturers' Association re lumber rates.	Dismissed. Dismissed. Withdrawn.
	Charles Miller of Toronto v. Grand Trunk Pacific Railway, re station at Prince George, B.C Canadian Pacific Railway v. Town of Maisonneuve, Que., re highway crossings.	Dismissed.
21418	City of Montreal v. Canadian Northern Railway, siding across Stadacona and Marlboro streets, Montreal, Que City of Prince George, B.C., re location of Grand Trunk Pacific Railway station between Oak and Ash streets, Prince George	Abandoned. Dismissed.
26169	Canadian Northern Ontario Railway v. Township of Loughboro, Ont Canadian Pacific and Canadian Northern Railway Companies re inter- switching at Eastern public cattle market, Montreal Appeal of the Canadian Pacific Railway re Lambton to Weston spur. (2nd	Dismissed. Abandoned.
27693	appeal). City of Hamilton v. Grand Trunk Railway re passenger service on Northern and N. W. Branch between Hamilton and Burlington Beach and town of Burlington, Ont.	Dismissed. Abandoned.
	Appeal of the Winnipeg Board of Trade against order of the Board authorizing a general increase in freight rates of 15 per cent  Town of St. Lambert, Que., against decision of Board, dated July 10, 1918, increasing the rates of the Montreal and Southern Counties	Dismissed.
	Roman Notice of Appeal of City of Hamilton against order of the Board No. 27843 and Order No. 27857 re Kinnear yard, Hamilton, Ont. National Printy Commeil of Canada, on behalf of Canadian Association of	Dismissed Referred back.
	1ce-Cream Manufacturers from order of the Board No. 28883, dated	Pending

# APPENDIX "F".

LIST of General Orders and Circulars of the Board for the nine months ending December 31, 1919.

GENERAL ORDER No. 262.

In the matter of the General Order of the Board No. 151, dated November 8, 1915, prescribing the regulations governing baggage car traffic for the observance of every railway company within the legislative authority of the Parliament of Canada, as amended by General Orders Nos. 179, 181 and 191, dated respectively January 29, February 3 and May 26, 1917; and the application of the Canadian Pacific Railway Company for an Order further amending Rule 26 (d) of the said regulations:

File No. 23328.

A question having been raised as to whether, in view of the punctuation of the section, the words "otherwise the carrier shall not be liable" apply only to the cause of damage or delay, as set out in the second sentence, and not to non-delivery, as set out in the first sentence of the rule; upon reading what is alleged in support of the application to amend, and to make the intention clear,—

It is ordered: That rule 26, subsection (d) of the Regulations Governing Baggage Car Traffic be, and it is hereby, further amended by striking out the comma after the word "receptacle" and before the word "otherwise" in the last line of the subsection and substituting therefor a period, making the words "otherwise the carrier shall not be liable" a separate sentence.

H. L. DRAYTON,
Chief Commissioner.

Оттама, Мау 8, 1919.

# GENERAL ORDER No. 263.

In the matter of the question of standardizing the regulations to be placed in effect of all railways operating in Canada governing the handling of guard rails, vestibule doors, and platforms on passenger cars.

File No. 22338.

Whereas, the attention of the Board has been called to a number of accidents—in some instances fatal—caused by failure to keep the vestibule doors on passenger cars closed:

Upon reading what has been filed by the Canadian Railway Association for National Defence on behalf of railway companies operating in Canada, and upon the report and recommendation of the Chief Operating Officer of the Board, and in pursuance of the powers conferred upon it by sections 30 and 269 of the Railway Act and all other powers possessed by the Board in that behalf,—

It is ordered: That every railway company subject to the legislative authority of the Parliament of Canada, operating a railway by steam power, shall strictly conform

to the following rules and regulations governing the handling of guard rails, vestibule doors, and platforms on passenger cars which are hereby approved, namely:—

Through and local (except suburban) trains, double track, right hand operation.

Through and local (except suburban) trains; double track, left hand operation.

Through and local (except suburban) trains,

Suburban trains, double track, right hand operation.

Suburban trains, double track, left hand operation.

Suburban trains, single track.....

When running, all doors and platforms except those on rear right hand side of last car are to be kept closed. When standing, the right hand doors and platforms, only, are to be opened, except when necessary to open left hand doors to receive or discharge passengers.

When running, all doors and platforms except those on rear left hand side of last car are to be kept closed. When standing, the left hand doors and platforms only, are to be opened, except when necessary to open right hand doors to receive or discharge passengers.

All doors and platforms except those on rear of last car are to be kept close when running.

Doors and platforms on right hand side of train may be kept open and when open are to be securely fastened. Those on left hand side must be kept closed, except when necessary to open them to receive or discharge passengers.

Doors and platforms on left hand side of train may be kept open and when open are to be securely fastened. Those on right hand side must be kept closed, except when necessary to open them to receive or discharge passengers. All doors and platforms may be kept open and

when open are to be securely fastened.

### GENERAL.

Movable guard rails.......... When there are movable guard rails on nonvestibule or open vestibule cars, guard rails must be kept closed, except that when trains are standing they are to be opened only on the side at which passengers are to be received or Vestibule curtains........... When cars are equipped with vestibule curtains these appliances are to be kept closed and are not to be uncoupled until trains stop at terminal or when change is to be made in consist of train. Observation cars..... When rear car is observation car side gates and platforms must be kept closely when running. Tail gates, chain or bar........ Tail gate, chain or bar at rear of last car in train must invariably be kept closed.

2. "Suburban trains" as used in this order means, and applies only to, trains within commutation limits when carrying commutation traffic.

H. L. DRAYTON,

Chief Commissioner.

OTTAWA, May 7, 1919.

# GENERAL ORDER No. 264.

In the sale to application of the Boll Telephone Company of Canada, hereinafter after the "englished company," for an Order permitting an increase in rates of twenty per cent (20%) on all tolls, rates, and charges for exchange telephone in for a region of schedule of long distance tolls; for a charge to be known as "service can often charge"; and a charge for moving telephone stations and attemption of the set forth in the tariffs of tolls accompanying the application and filed with the Board under case No. 955.

Upon hearing the upplication at the sittings of the Board held in Ottawa on the 5th and 12th days of January, 1919, and the 12th day of February, 1919, and in Toronto and Montread on the 13th and 16th days of January, 1919, respectively, in the presence at course for the applicant company, the union of Canadian municipalities.

and the corporations of the cities and towns following, namely, Montreal, Toronto, Hamilton, Ottawa, Quebec, London, Windsor, Brantford, Outremont, Westmount, Levis, Granby, Brockville, and Verdun; the Boards of Trade of Toronto, Montreal, and Cornwall, the municipalities of North Gower and Marlborough, and the Proprietors' League of Montreal being represented at the hearings, the evidence of experts offered both in support of and in opposition to the application, and what was alleged; and upon reading the written statements, reports, and submissions of experts filed ou behalf of the applicant company and the respondent corporations, as well as the reports of chartered accountants, made after examination of the applicant company's books which were available to them by the direction and under the authority of the Board's order; no objection being made to the long distance tolls as filed,—

It is ordered, That (a) the revised increased tolls for long distance service, (b) an increase of ten per cent (10%), instead of twenty per cent (20%), on all tolls, rates, and charges for exchange telephone service and charges incidental thereto, and (c) the charges for moving telephone stations and other equipment, all as set out in the application filed with the Board under said case No. 955, be, and they are hereby, authorized and allowed.

- 2. That the "Service Connection Charge," so-called, as applied for, be disallowed.
- 3. That where exchange services are at present installed, the increased tolls hereby authorized and allowed may become effective on July 1, 1919.
- 4. That the increased tolls hereby authorized and allowed for long distance service, for moving telephone stations and other equipment, and where new exchange services are installed subsequent to the date of this order and prior to July 1, 1919, may become effective on one week's notice.

H. L. DRAYTON,
Chief Commissioner.

OTTAWA, May 19, 1919.

# GENERAL ORDER No. 265.

In the matter of the application of the Canadian Freight Association, on behalf of the railway companies subject to the jurisdiction of the Board, under section 321 of the Railway Act, for approval of a proposed Supplement No. 12 to the Canadian Freight Classification No. 16, containing certain increased, reduced, and additional ratings, on file with the Board under file No. 19367.87.

Notice having been given by the railway companies in the Canada Gazette as required by section 321 of the Railway Act, and to the mercantile organizations enumerated in the general order of the Board No. 153, dated November 4, 1915, and the proposed changes having been considered at a conference of the representatives of the Grand Trunk, Canadian Pacific, and Canadian National Railways, the Canadian Manufacturers' Association, and the Montreal and Toronto Boards of Trade, held at Montreal on the 9th day of April, 1919, when various objections filed with the Board were considered, the proposed changes were agreed to, modified, or climinated; and upon the consideration of what has been filed and upon the report and recommendation of the Chief Traffic Officer of the Board,—

It is ordered: That the proposed supplement No. 12, to the Canadian Freight Classification No. 16, as finally revised and submitted for approval by G. C. Ransom, chairman of the Canadian Freight Association, by his letter dated May 28, 1919, be, and it is hereby, approved.

H. L. DRAYTON, Chief Commissioner.

OTTAWA, June 9, 1919.

# GENERAL ORDER No. 266..

In the matter of the Railwan Act and amending Act, 7-8 Edward VII, chapter 61, section 4, and the tariffs of telegraph companies.

File No. 10041.90.

It is ordered: That, subject to such order or orders as the Board may from time to time issue, all telegraph companies within the legislative authority of the Parliament of Canada be, and they are hereby, authorized to charge the telegraph tolls published in their respective tariffs filed with the Board.

H. L. DRAYTON,

Chief Commissioner.

OTTAWA, June 17, 1919.

# GENERAL ORDER No. 267.

In the matter of section 246 of the Railway Act, as amended by chapter 37 of the Acts 7-8 George V, section 4, for the carrying of wires and cables along or across the tracks of railway companies under the jurisdiction of the Board; and the application of the Canadian National Railways for an order amending the Standard Canaditions and Specifications for Wire Crossings, approved by the General Order of the Board No. 231, dated May 6, 1918, made therein.

Case No. 4704.1.

Upon its being represented to the Board by the Canadian National Railways that the pay of inspectors for inspecting over-crossings and underground lines is ised by said Standard Conditions and Specifications at three dollars per day, and that the actual cost of such inspections to the railway companies is eleven dollars per day; the Grand Trunk and Canadian Pacific Railway Companies concurring in the above representations,—

It is ordered: That the said Standard Conditions and Specifications for Wire Crossings, as approved by the general order of the Board No. 231, dated May 6, 1918, be, and they are hereby, amended by striking out the words "three dollars" after the word "exceed" and before the word "per" in the sixth line of paragraph 4 of part 1 of said Conditions and Specifications, and substituting therefor the words "eleven dollars"; by adding after the word "applicant" in the sixth line of said paragraph 4 the words "such payment to cover both wages and expenses"; by striking out the figures "\$3" after the word "exceeding" and before the word "per", in the eighth line of paragraph 1 of part 2 of said Conditions and Specifications, and substituting the figures "\$11"; and by adding, after the word "applicant" in the eighth line on said paragraph 4, the word "such payment to cover both wages and expenses."

H. L. DRAYTON,
Chiej Commissioner.

OTTAWA, June 27, 1919.

# GENERAL ORDER No. 268.

In the matter of the application of the Express Traffic Association on behalf of the express companies within the legislative authority of the Parliament of Canada, for general increase in rates; also the applications of the cities of Montreal, Toronto, Winnipeg, London, Lachine, Walkerville, Ottawa, Vancouver, Regina, Fort William. Prince Albert, and Halifax, the University of Saskatoon, residents of Outremont, and the Exhibition Association, Limited, of Edmonton, for increased free collection and delivery areas; the applications of the village of Bancroft, Ont.; and the town of Bridgewater, Nova Scotia, for the establishment of a free delivery service; and the application of the express companies for restricted collection and delivery limits in the city of Quebec.

File No. 29046.

Upon hearing the applications at the sittings of the Board held at Ottawa, Toronto, Montreal, Vancouver, Victoria, Nelson, Vernon, Lethbridge, Calgary, Edmonton, Saskatoon, Regina, Winnipeg, Fort William, Sudbury, and Moncton, on the 7th, 8th, 18th, and 24th days of January and the 19th day of March, 1919, the 13th day of January and the 5th day of February, 1919, the 16th day of January, 1919, the 14th day of February, 1919, the 17th day of February, 1919, the 21st day of February, 1919, the 19th day of February, 1919, the 24th day of February, 1919, the 25th day of February, 1919, the 26th day of February, 1919, the 28th day of February, 1919, the 1st day of March, 1919, the 3rd day of March, 1919, the 5th day of March, 1919, the 7th day of March, 1919, and the 24th day of March, 1919, respectively, in the presence of counsel for and representatives of the Express Traffic Association, the Canadian Express Company, the Dominion Express Company, members of the Boards of Trade of the cities of Ottawa, Toronto, Montreal, Vancouver, Lethbridge, Calgary, Edmonton, Saskatoon, Regina, Winnipeg, Charlottetown, and Summerside, the towns of Yorkton and Kenora, the Canadian Manufacturers' Association, the National Dairy Council, the Ottawa Wholesale Fruit Shippers, the Montreal Chamber of Commerce, the Montreal Produce Merchants' Association, the Canadian Fish Association, the Canadian Fish and Cold Storage Company, the Department of Fisheries, the Canada Food Board, the International Harvester Company, the Marconi Wireless Telegraph Company, the British Columbia Fruit Growers Association, the Wholesale Fish Dealers Association of British Columbia, the Canadian Fish Company, the greenhouse industry, the Commissioner of Fisheries for the Government of the province of British Columbia, the Gordon Head Company of Victoria, the Hatzic Fruit Growers Association, the British Columbia Growers, Limited, the Kootenay District Fruit Growers, the Department of Agriculture for the province of British Columbia, the Northern Okanagan Creamery Association, the Salmon Arm Farmers Exchange, the Kootenay Lake Farmers Institute, the Arrow Lake Farmers' Institute, the Crystal Dairy of Lethbridge, the Milk ard Cream Shippers of Calgary, the Swift Canadian Company, the United Farmers of Alberta, the Saskatoon Pure Milk Company, the Saskatoon Brewing Company, the Retail Merchants' Association of Saskatchewan, the Saskatchewan Co-operative Creameries, the Western Canada Dairymen's Association, the Regina Bread Shippers, the Steele Briggs Seed Company, the Vipond Fruit Company, the Crescent Dairy Company, the Milwood Cream Producers, and the Belmont Cream Producers, other shippers appearing in person, the evidence adduced, and what was alleged; and upon reading the written submissions filed, judgment, dated July 17, 1919, was delivered by the Chief Commissioner and concurred in by the members of the Board, copy of said judgment being attached hereto,-

It is ordered: That, subject to the terms of the said judgment of July 17, 1919, which is hereby made part of this order, the tariffs issued under the authority of and in conformily with the judgment be, and they are hereby, required to be published and filed at least five days previous to the date on which they are to become effective.

And it is further ordered: That the express freight collection and delivery plan multimed in the judgment be given effect to, and charts of the boundaries thereunder be posted for the information of the public, with the least delay consistent with the ascertainment by the companies of the necessary data and the acquirement of any necessary additional equipment.

W. B. NANTEL,

Deputy Chief Commissioner.

OTTAWA, July 25, 1919.

# GENERAL ORDER No. 269.

In the matter of the Regulations regarding Plans and Specifications required to be the with the Board, dated January, 1919, being standard rules for the construction of highway, farm, wire, and pipe crossings, and general requirements for interlocking appliances at rail-level crossings, junctions, and drawbridges.

Case No. 4704.1.

How. Its being represented to the Board by the Grand Trunk Railway Company that the pay of inspectors for inspecting all crossings should be increased to \$11 a day instead of \$3, as provided in the case of wire crossings by the general order of the Board No. 265, amending the "Standard Conditions and Specifications for Wire the single," the Canadian National Railways and the Canadian Pacific Railway Company concurring in the above representations,—

It is end, i. That the said Regulations of the Board regarding Plans and Specifications required to be filed with the Board be, and they are hereby, amended by striking out the words "three dollars" after the word "exceed," in the sixth line of programming the said before the word "per," and substituting therefor the words "three dollars"; and by adding after the word "applicant," in the sixth line of the said paragraph 7, the words "such payment to cover both wages and expenses."

·A. S. GOODEVE, Commissioner.

OTTAWA, August 7, 1919.

# GENERAL ORDER No. 270.

the location of markers on the passenger trains of the Grand Trunk Railway Company; and General Order No. 127, dated July 6, 1914, directing that rabooses of all railway companies subject to the jurisdiction of the Board be equipped with marker sockets as provided by the order.

Files Nos. 13455 and 13455.2.

Up no in squared, that only ay companies have marker sockets at the corners of the modern model in massager cars, in addition to the lower position; upon the model of the Corner of the Board, that, in his opinion, and with

a view to standardization in equipment and practice, the requirements as to passenger cars and cabooses should be the same,—

It is ordered as follows:—

- 1. When passenger cars and cabooses are equipped with marker sockets in the lower position (the said lower position to be at such elevation as will permit of lamps and flags being placed therein from the platform or floor of the car without the use of steps), markers shall be carried in such lower sockets.
  - 2. All passenger cars and cabooses hereafter constructed shall be equipped with

marker sockets in the lower position.

- 3. All passenger cars and cabooses now in use, not equipped with marker sockets in the lower position, shall be so equipped on or before May 1, 1920.
- 4. The said Order No. 10453, dated May 3, 1910, and General Order No. 127, dated July 6, 1914, are hereby rescinded.

W. B. NANTEL,

Deputy Chief Commissioner.

OTTAWA, August 7, 1919.

# GENERAL ORDER No. 271.

In the matter of the Canadian Freight Classification and the express Classification for Canada, and sections 322 and 360 of the Railway Act, 1919:

File No. 25639.

It is ordered as follows, namely:—

- 1. Any reissue of the Canadian Freight Classification, or of the Express Classification for Canada, or any supplement thereto, or any supplement to the issue of either now in force, shall be submitted in printed proof form for the approval of the Board before it is made effective.
- 2. Should such proposed reissue or supplement remove any goods from a lower to a higher class, or in any other way add to the cost of transportation of any goods, notice of the submission thereof shall be published by the applicant in the next two succeeding issues of the Canada Gazette, in the following form:—

3. (a) Unless, for special reasons, exemption be granted by the Board, the following symbols shall be used in the said proof, and in the approved classification or supplement, namely:—

An asterisk to denote an addition.

A large dot to denote an increase in the previous rating, or charge, or cost of transportation.

A solid triangle to denote a reduction in the previous rating, or charge, or cost of transportation.

A dagger to denote any other change.

(b) Supplements shall show against each increase or reduction a reference to the previously approved item.

4. The application to the Board shall be accompanied by-

(a) Three copies of the said proof.

(A) The reasons for proposed changes involving increased cost of transportation.

(c) A copy of the notice furnished to the King's Printer for publication in the

5. One only of the said proof and of the said notice for publication shall be furnished by the applicant to the following bodies, with the request that fully explained objections. If any, to proposed changes involving increased cost of transportation be filed by them with the Board of Railway Commissioners within thirty days from the receipt of the said proof and notice:-

The Canadian Manufacturers' Association.

The Ontario Grocers' Guild.

The Management' Association of British Columbia, Vancouver, British Columbia.

The Fruit Growers' Association of Ontario.

The Montreal Chamber of Commerce.

The Boards of Trade of-

Brandon, Manitoba. Calgary, Alberta. Chatham, Ontario. Collingwood, Ontario. Cornwall, Ontario. Fort William, Ontario. Fredericton, New Brunswick. Galt, Ontario. Guelph, Ontario. Halifax, Nova Scotia. Lethbridge, Alberta. London, Ontario. Ottawa, Ontario.

Peterborough, Ontario. Port Arthur, Ontario. Preston, Ontario. Prince Albert, Saskatchewan. Prince Rupert, British Columbia. Quebec, Quebec. Regina, Saskatchewan. St. Catharines, Ontario. St. Hyacinthe, Quebec. St. John, New Brunswick. St. Thomas, Ontario. Saskatoon, Saskatchewan. Sherbrooke, Quebec. Stratford, Ontario. Three Rivers, Quebec. Toronto, Ontario. Valleyfield, Quebec. Vancouver, British Columbia. Victoria, British Columbia. Waterloo, Ontario. Windsor, Ontario. Winnipeg, Manitoba. Woodstock, Ontario.

A. a. m. is sees on the freight classification, to the railway companies which are not members of the Canadian Freight Association.

6. Previous orders or regulations of the Board conflicting herewith are hereby

S. J. McLEAN, Assistant Chief Commissioner.

OTTAWA, September 10, 1919.

Owen Sound, Ontario.

# GENERAL ORDER No. 272.

In the matter of carriers' liability in connection with outbound freight traffic during interswitching operations:

File No. 6713.158.

Whereas, by Order No. 7562 (General Order No. 41) dated the 15th day of July, 1909, the Board prescribed conditions and limitations to be endorsed upon the forms of bill of lading therein approved for use in Canada; and it having developed that shippers and carriers are not always receiving the protection of the said conditions and limitations during the time when freight, in carloads, is being interswitched by the "terminal carrier" to the "line carrier" under the terms of the Board's General Interswitching Order No. 252, dated the 26th day of October, 1918; and it appearing to the Board that such protection should be provided for,—

It is ordered: That those terminal carriers that do not issue the bill of lading for the entire movement of such freight to its destination, and which are subject to the jurisdiction of the Board, shall give the shipper a local bill of lading on the appropriate form provided for in the said General Order No. 41, covering the movement by interswitching service to the point of transfer to the line carrier that issues the bill of lading to the destination; or, if preferred and in lieu thereof, shall give the shipper what is commonly known as an interline or switching ticket or receipt, which shall contain the words, "received subject to the conditions of the company's bill of lading, which are made a part hereof."

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, September 19, 1919.

# GENERAL ORDER No. 273.

In the matter of the application of the Grand Trunk and the Canadian Pacific Railway Companies, hereinafter called the "applicants," for an Order extending the time for one year from the 30th September, 1919, within which they may equip their freight cars with safety appliances as required by the General Order of the Board No. 128. dated July 20. 1914:

File No. 11654.

Upon hearing the matter at the sittings of the Board held in Ottawa, October 7, 1919, the applicants, the Canadian National Railways, Brotherhood of Locomotive Engineers, and Brotherhood of Locomotive Firemen and Enginemen being represented at the hearing, and what was alleged,—

It is ordered: That the railway companies subject to the jurisdiction of the Board be, and they are hereby, granted an extension of time until the 30th day of September, 1920, within which to make the changes required under the said General Order No. 128, dated July 20, 1914; the railway companies to continue their present practice of filing with the Board monthly reports of the progress made in complying with the requirements of the said order.

F. B. CARVELL, Chief Commissioner.

OTTAWA, October 8, 1919.

# GENERAL ORDER No. 274.

In the matter of the application of the Canadian Railway War Board, on behalf of mailers, amounts a subject to the jurisdiction of the Board, for free transportation under section 345 of the Railway Act, 1919:

File No. 496.26.

Upon reading the application dated the 16th day of October, 1919, and considering what he lead the apport thereof, it is ordered that the railway companies of Can be suggest by the jurisdiction of the Board be permitted, until further order, to carry free of charge the following persons, viz:—

(a) Department of Immigration of Dominion of Canada.

For such representatives of the department as may be required by the minister or deputy minister.

(b) Departments of Immigration and Customs of the United States.

For such representatives of the departments as may be required by the Commissioner or Deputy Commissioner of Immigration or Collector or Deputy Collector of Customs in charge of the district.

(c) Fire Rangers.

Fire Rangers within their respective districts, employed or authorized by Provincial Governments.

(d) Families of former and deceased employees of railways.

(e) Former employees of transportation companies and their families.

(f) Deputy ministers of departments of the Federal Government, and those having the rank of deputy ministers.

F. B. CARVELL, Chief Commissioner.

Ottawa, November 20, 1919.

# GENERAL ORDER No. 275.

In the matter of indicating changes in tolls in freight, passenger, express, telephone, and telegraph schedules:

File No. 19907.

Upon its appearing to the Board that comparison of freight, passenger, express, the month of 2r ph. should be facilitated; and in pursuance of the powers conferred upon the Board by section in R 1 and Appendix and upon the report and recommendation of the Chief Traffic Officer of the Board,—

That all ir ight, passenger, express, telephone, and telegraph tariffs, and supplements thereto, applying between points in Canada, or from a point in Canada to foreign country, hereafter filed with the Board, shall, except as hereinafter result influence thereby made by the symbol "A" and reductions by the symbol "R." all the recessary explanatory note, in the following manner, namely:—

- I in adicidules thich show the rates opposite the stations: The proper symbol to
- · In about which the rates appear in a table separated from the station list:
- (a) Unless the station groupings have been varied relatively to their rates, the proper symbol to be shown in the rate table in the manner prescribed in section 1 hereof;

(b) If the station groupings have been varied relatively to their rates, the proper symbol to be shown against the reference on the station page to the rate table and against each rule or regulation changed.

Provided that if it is found impracticable in a certain case to indicate changes by either of the methods herein prescribed, application may be made to the Board, accompanied by a printer's proof of the proposed schedule, for relief from the provisions of this order in such case.

And it is also ordered that the character of the schedule be shown at the top of the title page, thus:—

"Advance,"

"Reduction,"
"Reissue,"

"New Rate or (Rates),"

and so on, as the case may be.

And it is further ordered that the order of the Board No. 16900, dated the 27th day of June, 1912, be, and the same is hereby, rescinded.

W. B. NANTEL, Deputy Chief Commissioner.

OTTAWA, December 16, 1919.

# GENERAL ORDER No. 276.

In the matter of Order in Council P.C. 1863, as amended, and of all tolls now in effect by tariffs lawfully published and filed:

File No. 28678.

In pursuance of the powers conferred upon the Board by section 325 of the Railway Act, 1919,—

It is ordered: That, subject to the provisions of the Railway Act, 1919, the tolls of the railway companies subject to the jurisdiction of the Board, in effect as of this date, are hereby continued in effect on and from January first, A.D., 1920.

F. B. CARVELL, Chief Commissioner.

OTTAWA, December 31, 1919.

CIRCULAR No. 176.

OTTAWA, April 9, 1919.

 $Weighing\ of\ cars.$ 

File 8799.13.

The Board has had its Operating Department for some time past investigating the methods and practices of the railways under its jurisdiction in connection with the manner in which cars are placed and weighed on track scales. Tests have been made of the scales at various points on the different railways by weighing cars when standing free, uncoupled at both ends, coupled on one end, and when the deck of the scale permits, coupled at both ends.

The report and recommendations of the Board's Chief Operating Officer as the

outcome of these inquiries is as follows:

"The best results are obtained where one person is employed to supervise and check the weighing of cars and that person should be a 'sworn in.' This

person need not be caused as a weighmaster, exclusively, but a suitable person abrance working in some position on the staff should be instructed by the company's general officer having jurisdiction, and this person should have the power to instruct the men how to place the cars and supervise and take the record himself from the scale beam.

"Each company, in its own interests, should go over the facilities to see that it gets the best arrangement for protecting the scales from the severe winter con-

ditions, water, etc."

The Board desires to have the comments of the various railway companies upon the forezoit r resonant adaptions, together with a concise statement as to the practice new followed by each railway, with a view to considering and adopting some uniform system which will work satisfactorily to both the shippers and the railways.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

OTTAWA, May 27, 1919.

CIRCULAR No. 177.

Fire Extinguishers on Steam Railways.

Case No. 1858.

Railway companies, operated by steam, subject to the jurisdiction of this Board, are required to furnish the following data, within thirty days of the date of this circular, covering fire extinguisher equipment on their respective lines, viz:—

Type of Car.	Total Number of Cars.	Number Equipped one Ex.	Number Equipped two Ex.	Remarks.
Observation. Compartment.  Dining.  Compartment.  Compartm				
11. Through Express				
3. Total.				

- 14. What is the average cost of a fire extinguisher at this date?
- 15. How many different types in use? Give names.

In replying, it is desired that the information be given in the order and by the number shown herein.

By order of the Board.

A. D. CARTWRIGHT, Secretary.

OTTAWA, May 27, 1919.

# CIRCULAR No. 178.

Fire Extinguishers on Electric Railways.

Case No. 1858.

Electric railways, subject to the jurisdiction of this Board, are required to file within thirty days of the date of this circular replies to the following questions with respect to the equipment of their different cars with fire extinguishers, viz:—

1. If an order is issued requiring all passenger carrying cars on your railway to be equipped with fire extinguishers.

2. How many cars on your line would be affected?

- 3. How many cars have you at the present time equipped with fire extinguishers?
  - 4. What is the average cost of an extinguisher at this date?

By order of the Board.

A. D. CARTWRIGHT, Secretary.

OTTAWA, June 23, 1919.

# CIRCULAR No. 179.

Resuscitation from apparent death from electric shock.

Files 10247 and 12016.

Attention is hereby directed to Circular No. 37, dated May 3, 1909, and Circular No. 119, dated July 29, 1913, issued by the Board relative to specific cases where railway employees were apparently killed by electric shock, and referring to the necessity of public education in regard to the possibility of saving lives by means of artificial respiration and the advisability of having the Rules for Resuscitation from Electric Shock universally learned.

These rules have been recently revised by the National Electric Light Association and were issued as a supplement to the *Electrical World* of New York on June 14, 1919.

The Board directs your attention to this recent revision and to the desirability of having these rules circulated broadcast; also requests that it be advised on or before July 15, 1919, as to what action has been taken.

By order of the Board.

A. D. CARTWRIGHT, Secretary.

OTTAWA, June 30, 1919.

# CIRCULAR No. 180.

Watchmen at crossings where there are more than four tracks, when gates are out of order.

File 29157.

The Board has considered the replies received from the various railways in answer to its letter of March 4, on this subject, and is of the opinion that it will be sufficient for the present if the railway companies will undertake to appoint two watchmen when gates are out of order at a crossing where there are more than four tracks, and when

the traffic or other conditions justify the same for the adequate protection of the public.

The Board requests that the railway companies file an undertaking on the lines as set out herein, together with a statement in detail of the crossings involved.

By order of the Board.

A. D. CARTWRIGHT, Secretary.

OTTAWA, October 3, 1919.

# CIRCULAR No. 181.

Filling in of trestles by railways.

File No. 29672.

I am directed by the Board to ask that railway companies, subject to its jurisillation, show cause why a general order should not be made requiring railway comcanies to obtain permission from the Board before filling in trestles which landowners or farmers had made use of as undercrossings.

If frequently happens that after a railway starts filling in a trestle some interested landowner writes to the Board that his rights to an undercrossing are being infringed and remotions an investigation that could easily have been made before the work started, if the railway had notified the Board that it intended to undertake the work.

By order of the Board.

A. D. CARTWRIGHT, Secretary.

OTTAWA, October 29, 1919.

### CIRCULAR No. 182.

Inspection and Testing of railway steam boilers, other than locomotive boilers.

File 29110.1.

The attention of the Board has been drawn by provincial authorities to the existing conditions with regard to the inspection of railway steam boilers other than locomotive boilers, such inspections not having been performed by provincial inspectors in one or two of the provinces for the reason that the railway companies claim that in complying with the orders of this Board they have fulfilled their obligations, the result being that the protection aimed at by the different Acts is defeated and the public is not safe-guarded.

The B and desires that railway companies, subject to its jurisdiction, consider the ituation and file with the Board an expression of opinion on the whole question raised and as to whether such inspections should be made by provincial authorities, or otherwise.

By order of the Board.

A. D. CARTWRIGHT, Secretary.

OTTAWA, October 30, 1919.

# CIRCULAR No. 183.

Condition of hand brakes on electric cars.

File 9610.

The Board's Operating Department have examined into the condition of hand brakes on air equipped electric cars and, in some cases, it has been found that they are not kept in proper working order. With a view to remedying the situation it is suggested that the following addition be made to clause 1 of General Order No. 56, after the word "appliances":—

"Which must be maintained in good condition".

The Board would be glad to have, at an early date, the views of electric railway companies under its jurisdiction upon the proposed amendment.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

OTTAWA, November 20, 1919.

# CIRCULAR No. 184.

Reporting of accidents.

File No. 45.

Reports covering accidents attended by personal injury are, in many cases, being addressed to the secretary. Railway companies, subject to the Board's jurisdiction, are requested to give instructions that these accident reports be addressed to the Chief Operating Officer, Board of Railway Commissioners, Ottawa, Ont., in accordance with the requirements of General Order No. 244, dated July 26, 1918.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.

OTTAWA, November 26, 1919.

# CIRCULAR No. 185.

Smoke nuisance from railway stationary plants.

File 23177.

Complaint has been made to the Board of serious nuisance arising in cities by reason of the befouling of the atmosphere by dense or opaque smoke emitted from

the stationary plants of railways in such municipalities.

The Board desires to be informed by the railway companies subject to its jurisdiction, within thirty days of the date of this circular, whether they are agreeable to the issuance of a general order extending the application of General Order No. 18 to stationary plants and requiring that such stationary plants be equipped so as to prevent the unnecessary and unreasonable emission of dense or opaque smoke, failing which a hearing of all parties involved will be held and a decision arrived at in the matter.

By order of the Board.

A. D. CARTWRIGHT, Secretary.



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SIXTEENTH REPORT

OF THE

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING DECEMBER 31

1920

PRINTED BY ORDER OF PARLIAMENT



OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1921

[No. 20c.—1921.]—Price, 20 cents.



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# THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Hon. F. B. CARVELL, K.C., Chief Commissioner.

S. J. McLean, M.A., LL.B., Ph.D., Assistant Chief Commissioner.

Hon. W. B. NANTEL, K.C., LL.D., Deputy Chief Commissioner.

A. S. Goodeve, Commissioner.

A. C. Boyce, K.C., Commissioner.

J. G. RUTHERFORD, C.M.G., Commissioner.

A. D. CARTWRIGHT, Secretary.

A. 1921

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# REPORT

OF THE

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA

To the Governor in Council:

Pursuant to the provisions of section 31 of the Railway Act, 1919, the Board of Railway Commissioners for Canada has the honour to submit its Sixteenth Report for the year ending December 31, 1920.

Since the publication of the last report the following amendments have been

made to the Railway Act, 1919:-

"Chapter 65, 10-11 George V, An Act to Amend the Railway Act, 1919.

Assented to 1st July, 1920.

"His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

"1. Section six of the Railway Act, 1919, chapter sixty-eight of the statutes of 1919, is amended by adding thereto the following subsection:—

"(2) The provisions of paragraph (c) of this section shall be deemed not to include or apply to any street railway, electric suburban railway or tramway constructed under the authority of a provincial legislature, and which has not been declared to be a work for the general advantage of Canada otherwise than by the provisions of the said paragraph. Provided that this subsection shall not affect or come into force with respect to any street railway, electric suburban railway or tramway in the province of British Columbia until the expiration of one year from the passing of this Act."

Also the following Act:-

"Chapter 66, 10-11 George V. An Act to Amend the Railway Act, 1919.

Assented to 1st July, 1920.

"His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

"1. The Railway Act, 1919, chapter sixty-eight of the statutes of 1919, is amended by inserting the following section as section seventy-one A, imme-

diately after section seventy-one thereof:-

"71. A (1) The Board shall have power to do and authorize such acts and things and to make from time to time such orders and regulations as the Board, by reason of real or apprehended scarcity of coal or other fuel supplies in Canada, may deem necessary or advisable for the provision of such supplies and for the distribution, control and disposition thereof.

"(2) Without restricting the generality of the foregoing terms, it is declared that the powers hereinbefore conferred upon the Board shall extend to the trading in and to the exportation, importation, production and manu-

facture of coal and other fuel supplies.

"(3) All orders and regulations made under this section by the Board shall have the force of law, and may be varied, extended, or revoked by any subsequent order or regulation; but if any order or regulation is varied, extended, or revoked, neither the previous operation thereof nor anything duly done thereunder, shall be affected thereby, nor shall any right, privilege, obligation or liability acquired, accruing, or incurred thereunder be affected by such variation, extension or revocation.

"(4) This section shall continue in force until the last day of the next

succeeding session of Parliament and no longer."

# PUBLIC SITTINGS OF THE BOARD

During the year covered by the period from the 1st January, 1920, to the 31st December, 1920, the Board held 73 public sittings at which 416 applications were heard. The number of public sittings held in the various provinces were as follows:

Provinces	N	umber
O* (0) (0)		4.5
Queline,		
Manitoba		
Saskatchewan		4
Alberta		6
British Columbia		6
Nova Scotia		1
New Brunswick		2
The standard and the st		—
Total		73

The applications include a great variety of matters falling within the jurisdiction of the Board under the Railway Act, varying from the complaint of a private individual to weightier matters of general public interest affecting the community as a whole.

# FORMAL AND INFORMAL MATTERS

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitutes a considerable percentage of the total applications and complaints dealt with by it, that is to say, of a total of 3,770 applications and complaints received and dealt with by the Board 91 per cent was disposed of without the necessity of such formal hearing. These informal complaints, dealt with and settled without the necessity of a hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the Board's officials, and cover a wide range of subjects, as, for example, a complaint of a more or less trivial nature to a matter of general public interest affecting the community as a whole, or involving the application of some general principle, regarding the railway rates.

# RAILWAY GRADE CROSSING FUND

In accordance with the provisions of subsection (5) of section 262 of the Railway Act, 1919, provision was made that the sum of \$200,000 each year, for ten consecutive years from the 1st day of April, 1919, was appropriated and set apart from the Consolidated Revenue Fund for the purpose of aiding in the providing by actual

construction work of protective safety, and conveniences for the public in respect of highway crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 31st day of December, 1920, 443 Orders, providing for 497 crossings,

as follows:-

By	Electric bells 262	
~ 5	Gates	
	Subways 52	
	Overhead bridges	
	Diversion of highways 32	
	Closing of streets	
	Shelter	
	Towers 3	
	Wig-wags 5	
	Bell and wig-wag 6	
	Diversion highway and removal view obstruction 1	
	Bell and removal view obstruction	

It will be seen by comparing the total number of crossings protected with the Fifteenth Annual Report of the Board, that the increase for the twelve months ending December 31, 1920, in the number of crossings protected, number 19, made up as follows:—

Ву	Bells.,	4
	Gates	2
	Subways	Ţ
	Bridges	1
	Diversion highways	4
	Removal view obstructions	1
	Wig-wag	3
	Bell and wig-wag	3
	Diversion highway and removal view obstruction	1
	Bell and removal view obstruction	1

Note.—19 crossings and 21 protections consequent on account of 2 bells at one crossing and 3 diversions and one subway for 3 crossings.

It will be noted that under the new consolidated Railway Act provision is made that the total amount of money to be apportioned and directed and ordered by the Board to be payable from the annual appropriation, shall not in the case of any one crossing exceed twenty-five per cent of the cost of the actual construction work in providing such protection, and shall not in any such case exceed the sum of \$15,000, and that no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality, or more than once in any one year to

Subsection (3) of section 262 of the consolidated Railway Act provides that in case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed, by such province, subject to any conditions and restrictions made and imposed by such province in respect of its

contribution.

# GENERAL DECISIONS AND RULINGS OF THE BOARD

Submitted herewith, epitomised, are some of the more important matters dealt with by the Board at its public sittings for the year ending December 31, 1920. The principal judgments of the Board will be found under appendix "A" to this report.

### GENERAL ORDERS

The following is a brief summary of some of the matters dealt with under the Board's General Orders:—

Direction with respect to freight traffic, that all railway companies subject to the Board's jurisdiction publish and file tariffs providing for certain allowances per car from the ascertained weights of leaded cars, subject to the condition that the said allowances shall not operate to reduce the net weights of the ladings of the cars hole with minimum carboad weights provided for in the tariffs applicable thereto.

Direction that the Board's General Order No. 173, dated October 26, 1916, be amended to permit increases in the existing charges for heating refrigerator cars by the carriers in addition to the freight rates pertaining to the ladings thereof, and also in addition to the charges, if any, for the use of the said cars.

Direction that the Board's General Order No. 260, dated the 17th March, 1919, in regard to the regulations for the transportation by freight of dangerous articles of the regulations be amended by striking out the second paragraph of clause "J" of the rule and substituting therefor the provisions set out in the Board's General Order No. 287.

Direction that the Board's General Order providing for Standard Conditions and Specifications for Wire Crossings, dated the 6th May, 1918, be amended by striking out paragraph 4 of part 1 and providing that the wages of the inspector employed by the railway company shall not exceed \$11 per day, to be paid by the applicant, such payment a cover both wages and expenses, and that when the applicant is a municipality and the work is an a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company.

Direction that all railway companies subject to the Board's jurisdiction adopt and put into force, not later than the 1st June, 1920, certain rules relative to the inspection of locomotives and tenders, as set out in the Board's General Order No. 289.

Direction in regard to the regulations to be prescribed for the issue and recording in the transportation by railway companies subject to the jurisdiction of the Board, in accordance with the particulars set out in the Board's General Order No. 290.

Direction that all becomotives of railway companies subject to the jurisdiction of the Board be emirated with a seaf for the brakeman and that the seat provided be at a confictable design and where practicable equipped with back and window arm rest; and that such accommodation be provided by the 1st May, 1921.

Direction that the Board's General Order No. 50 in regard to the furnishing of supporary does for ears leaded with grain, as amended by the Board's General Order No. 184, be amended by compelling the railway companies to furnish car doors to on ble cass in be used for traffic in accordance with the allowances set forth in the Board's General Order No. 294.

Direction that the Regulations for the Transportation by Express of Acids, Inflat mables, Oxidizing Substances, etc., on file with the Board, be approved subject to confine changes and additions, as set forth in the Board's General Order No. 296.

Direction that the telegraph companies subject to the Board's jurisdiction be paramitted to the with the Board for its consideration tentative schedules.

Direction of the Board that the forms of live stock contract and special contract with attendants in charge of stock be approved in accordance with the terms of the Board's General Order No. 298.

Direction of the Board prohibiting on and after the 1st August, 1920, the exportation of coal from Atlantic, St. Lawrence river and gulf ports of Canada, except to the United States or to Newfoundland, unless otherwise permitted in accordance with regulations promulgated by the Board.

Direction in the matter of the International Railway rates, fares and charges, as affected by an Order of the Interstate Commerce Commission of the United States, dated July 29, 1920, and declaring that the proportions of through rates, fares and charges between the United States and Canada, fares in both directions, in effect at the date of the order, accruing within Canada, may, by general or blanket supplement to existing tariffs, be increased to the extent that the through rates, fares, and charges shall conform to the increases authorized by the said order of the Interstate Commerce Commission; except on coal and coke, increases on which are reserved pending the judgment of the Board in the application of Canadian carriers for increased rates within Canada.

Direction of the Board, in pursuance of the powers conferred upon it by chapter 66 of the Acts of Parliament of Canada, 1920, authorizing certain regulations governing the control of fuel supplies, as set out in the Board's General Order No. 314.

Direction of the Board in the matter of expediting the transportation performance of coal-carrying equipment in Canada, and under the powers conferred upon it by chapter 66 of the Acts of Parliament of Canada, 1920.

Direction of the Board that the proper charge for milling-in-transit within Canada of grain, the product of which is reshipped to the United States, be one cent

per one hundred pounds on and after the 26th August, 1920.

Direction of the Board that the railway companies withdraw Special Instruction "E" from their respective working timetables and thereafter observe the Uniform Code of Rules for Canadian Railways approved by the General Order of the Board No. 42, dated the 12th July, 1909.

Direction of the Board that all cattle passes hereafter constructed by railway companies be at least 5 feet wide and 6 feet high, which dimensions are required to be adopted as a standard for cattle pass construction unless otherwise ordered by the Board.

CANADIAN MANUFACTURERS ASSOCIATION AND TORONTO BOARD OF TRADE v. CANADIAN EXPRESS TRAFFIC ASSOCIATION

 $Stations\hbox{-}Flag\hbox{-}Express\hbox{-}Traffic\hbox{-}Caretaker.$ 

The Board refused to direct that at every flag station at which express matter is or may be received, there should be an agent or employee to receive and take care of such express matter, but in dealing with the appointment of a caretaker at a flag station in future, one of the functions of the caretaker should be to take care of the express traffic. Flag Station Case 8 C.R.C. 151.

The matter was heard at Ottawa, October 21, 1919.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated March 22, 1920, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Commissioners Goodeve and Boyce. 26, Can. Ry. Cases, 35.

## UNITED GRAIN GROWERS v. CANADIAN NATIONAL RAILWAYS

1. Jurisdiction-Refund-Traffic-Movement-Tolls-Legal.

The Board has no jurisdiction to direct refunds provided the traffic movement is in compliance with legal tariffs of tolls.

2. Jurisdiction-Negligence-Liability-Claim-Loss and Damage-Carrier-Court of Competent Jurisdiction.

The Board has no jurisdiction to pass upon the question of the liability of a carrier for negligence, either as bearing on the matter of loss or damage, or on a bare

statement of hability, which may or may not be used as a basis for further action. The remedy in cases of negligence must be sought by action in a Court of competent jurisdiction.

Application for an order directing the respondent to grant compensation for loss occasioned by delivery to Thunder Bay Elevator instead of Paterson's as directed.

The application was heard at Winnipeg, November 15, 1919.

Complaint of the United Grain Growers, Limited, Winnipeg, that the Canadian National Railways have refused compensation for loss occasioned by delivery to the Thunder Bay Elevator instead of to Paterson's Elevator, as directed, car C.N.R. 11158, grain as Deepda's, December 5, 1918, consigned to the United Grain Growers, Limited, Port Arthur, care Canadian National Railways Terminal Elevator.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated January 12, 1920, concurred in by the Chief Commissioner and Com-

missioner Rutherford. 26, Can. Ry. Cases, 26.

CONSOLIDATED GAS, ELECTRIC AND POWER COMPANY v. CANADIAN PACIFIC RAILWAY COMPANY

1. Jurisdiction—Tolls—International-Joint—Movement—Outbound—Inbound.

The jurisdiction of the Board with regard to tolls begins at the international boundary on an inbound movement and ends there on an outbound movement. In actual practice the Board usually deals with international joint tariffs of tolls for an outbound movement only and does not interfere with the tariff property filed under United States practice for the inbound movement.

Continental Prairie and Winnipeg Oil Cos. v. Canadian Pacific et al, Ry. Cos., 13 C.R.C. 156, at p. 161; Essex Terminal Ry. Co. v. Grand Trunk et al, Ry. Cos., 22 C.R.C. 301, at p. 305 followed.

2. Carriers—Participating—Toll—Basis—Movement—Mileage.

Where participating carriers in the United States, interested in two-thirds of the mileage movement are concerned in the proper scope and extent of the tariff basis, they should be referred to the United States jurisdiction for the appropriate finding and remedy within that jurisdiction. Complaint against the tolls on bog iron are charged by the respondent via connecting carriers from points in Quebec to Baltimore, Md., U.S.A.

After the preliminary hearing the application was disposed of on material on file

with the Board.

The facts are fully set out in the Judgment of Assistant Chief Commissioner McLean, dated January 19, 1920, concurred in by the Deputy Chief Commissioner and Commissioners Goodeve and Rutherford. 26, Can. Ry. Cases, 11.

# CITY OF ST. BONIFACE v. CANADIAN PACIFIC RAILWAY COMPANY

Railway Crossed by Highway - Cost of Protection—Railway Grade Crossing Fund
 —No Contribution—Railway Act, 1919, Section 262 (1).

Where a highway is opened across a railway and protection is required, the full cost of protecting the crossing is imposed upon the municipality without any contribution from the Grade Crossing Fund, sec. 262 (1), but where it is not necessary to deal with the question of protection at the outset, the Board may at a later date consider the matter from the standpoint of the respective volumes of traffic on the highway and railway and deal with it accordingly.

Town of St. Pierre v. G.T.R. 13 C.R.C. 1, distinguished.

Application for an order authorizing the opening of Rue Messier across the tracks of the respondent in the city of St. Boniface.

The application was heard at Winnipeg, December 2, 1919.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated February 13, 1920, concurred in by the Chief Commissioner, Deputy Chief Commissioner and Commissioners Goodeve and Boyce. 26, Can. Ry. Cases, 45.

### IN re EXPRESS TOLLS

1. Jurisdiction—Express Companies—Facilities—Stations—Discretion—Unjust Discrimination—Carriage—Railway Act, section 352—Railway Act, 1919, section 364.

The amendment in section 364, former section 352, "and may order that all such goods as the Board may think proper shall be carried by express," has the effect of removing the discretion the express companies formerly had, and prohibits unjust discrimination between goods as to carriage. The Board has no jurisdiction to direct express companies to install or reinstate at a station or stations, express facilities.

2. Jurisdiction—Express Companies—Tolls—Contract Limiting Liability—Railway Act, 1919, section 365.

The Board's jurisdiction over express companies is confined to tolls, contracts limiting liability and directing what goods shall be carried by express.

Canadian and Dominion Express Cos. v. Commercial Acetylene Co., 9 C.R.C. 170, at p. 174, followed.

Informal Ruling of the Board, March 24, 1920. 26, Can. Ry. Cases, 32.

GRAND TRUNK RAILWAY COMPANY V. KITCHENER AND WATERLOO STREET RAILWAY COMPANY

Protection—Apportionment of Costs—Public Interest.

Where the Board clearly intended by Order No. 5885 that the respondent should bear the costs of protecting the crossing (other than that borne by the applicant under the order of the Railway Committee of the Privy Council dated October 10, 1895) and it has become necessary in the public interest (owing to conditions over which the respondent has no control) that the crossing should be protected during both day and night, a fair apportionment of the costs would be that 50 per cent should be borne by each of the parties interested.

Grand Trunk Ry. Co. v. Kitchener and Waterloo Street Ry. Co., 24 C.R.C. 13.

Application for an order rescinding No. 5885 and directing the respondent to pay
50 per cent of the wages of the watchman employed at the diamond crossing at King

street, Kitchener, Ont.

The application was heard at Kitchener, January 12, 1920.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated January 29, 1920, concurred in by the Chief Commissioner, the Assistant Chief Commissioner and Mr. Commissioner Boyce. 26, Can. Ry. Cases, 40.

## O'REILLY & BELANGER V. GRAND TRUNK RAILWAY COMPANY

Carriers—Facilities—Terminal Station—Traffic—Freight—Unloading and Delivery—Completion—Unjust Discrimination—Railway Act, 1919, section 316.

Under section 316 of the Railway Act, 1919, the duty of a carrier to furnish facilities at the terminal station relates merely to the unloading and delivery of freight traffic, and does not include facilities for sale, thus the prohibition against unjust

discrimination in furnishing facilities does not apply to the refusal of a carrier to affect space to enable a coal dealer to carry on business on advantageous terms with his competitors.

Cuneo v. G.T.R. Co., 18 C.R.C. 414, followed.

Application for an order directing the respondent to provide reasonable and proper facilities for the unloading, handling, storing and delivery of coal at the coal tristle, and to reminate a certain agreement or lease in respect of the said trestle made between the respondent and the Coal Trestle Company.

The application was heard at Ottawa, December 2, 1919.

The lasts are fully set out in the judgment of Mr. Commissioner Goodeve, dated December 10, 1919, concurred in by the Deputy Chief Commissioner and Mr. Commissioner Boyce. 26, Can. Ry. Cases, 20.

UNITED GRAIN GROWERS AND MUNICIPALITY OF FALHER V. MUNICIPALITY OF DONNELY et al.

- 1. Stations Location—Distance Apart—Good Railway Practice—Western Canada.

  The principle of establishing stations six to eight miles apart has been recognized for many years as good railway practice in Western Canada.
- 2. Carriers—Discretion—Siding—Between Stations.

The Board refused an application for the establishment of a siding about equal distance between two stations 7.6 miles apart, declining to interefere with the discretion of the railway company in the development of its interests.

Application for an order authorizing the use of the present temporary industrial

siding at Fallier, on the Edmonton, Dunvegan and British Columbia Railway.

The application was heard at Edmonton, November 28, and Regina, December 1, 1919.

The facts are fully set out in the judgment of the Chief Commissioner, dated March 22, 1920, a neutral in by Assistant Chief Commissioner McLean and Commissioners Boyce and Rutherford. 26, Can. Ry. Cases, 53.

# APPEALS FROM DECISIONS OF THE BOARD

For the year ending December 31, 1920, there was one appeal made to the Govthe rir Com illumination appeal to the Supreme Court of Canada from the decisions of the Board.

With references rathe appeal to the Governor-in-Council, this was an appeal of the sity of Window for the Science of the Board's Order No. 30028 authorizing the Canadian Passine Ratingy Company to construct tracks to proposed freight-shed, at grade, at a set is unusual person of Caron avenue, Windsor. The appeal was dismissed.

The appeal to the supreme Court was on a question of jurisdiction in the matter f the British Columbia Electric Railway Company's application for increased fares, and this appeal is still pending.

# ORDERS, GENERAL ORDERS AND CIRCULARS

The total number of orders issued for the year ending December 31, 1920, was 1.22. The number of general circulars issued by the Board, directed to all railway congruids anticounter orders as distinguished from other orders issued by the Board are those affecting all railway companies subject to

its jurisdiction. It will be noted that the number of general orders issued by the Board for the year ending December 31, 1920, was 53.

A list of the general orders and circulars for the year ending December 31, 1920, will be found compiled under appendix "F" to this report.

### JUDGMENTS OF THE BOARD

A summary of the principal judgments of the Board delivered between the 1st January, 1920, and the 31st December, 1920, will be found under appendix "A".

### APPLICATIONS TO THE BOARD

The total number of applications, including informal complaints made to the Board for the year ending December 31, 1920, was 3,770.

### TRAFFIC DEPARTMENT OF THE BOARD

In the Traffic Department of the Board the number of tariffs received and filed for the year ending December 31, 1920, was as follows:—

Freight tariffs including supplements 41,9	56
Passenger tariffs including supplements	10
Express tariffs including supplements	47
Telephone tariffs including supplements	77
	224
Telegraph tariffs and supplements	39
<del></del>	
Total	59

The total number of tariffs filed from February 1, 1904, to December 31, 1920, was 944,747.

The details in regard to the tariffs will be found under appendix "B" to this report.

### ENGINEERING DEPARTMENT OF THE BOARD

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending December 31, 1920, number 197, and cover inspections for the opening of a railway for the carriage of traffic, pursuant to the requirements of section 276 of the Railway Act, inspections of culverts, highway crossings, cattle-guards, road crossings, bridges, subways and general inspections falling within the scope of the work of the Engineering Department of the Board.

Under Appendix "G" will be found a detailed report of the Chief Engineer.

### OPERATING DEPARTMENT OF THE BOARD

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigation into accidents causing personal injury or loss of life, the reporting on the location of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under appendix "C" will be found a full and detailed report of the Chief

Operating Officer of the department.

### ACCIDENTS AND ACCIDENT INVESTIGATIONS

Owing to the fact that the report of the Board's Chief Operating Officer in connection with the fifteenth report of the Board was for a period of nine months ending the 31st December, 1919, this being necessitated by an amendment to the Railway

And altering the date of the report of the Board from the 31st March, to the 31st December in each year, it is not deemed practicable to make any comparison with the previous year.

Full particulars of passengers and employees killed and injured, and other general information in regard to trespassers killed and injured, accidents at protected and unprotected crossings, etc., will be found under appendix "C."

### FIRE INSPECTION DEPARTMENT OF THE BOARD

As reported in previous annual reports, the work of the Fire Inspection Department has been carried on in co-operation with the various Dominion and provincial fire-protective organizations.

During the fire season of 1920, a grand total of 1,732 fires from all causes were reported. In the new properties of the railway track in forested territory, along lines subject to the jurisdiction of the Board. Of this total, 30 per cent occurred in British Columbia, 28 per cent in the Prairie Provinces, 29 per cent in Ontario, 8 per cent in Quebec, 2 per cent in New Brunswick and 3 per cent in Nova Scotia.

Of the grand total, 745 fires covered less than one-fourth acre each, and did no damage, while 987 larger fires are reported to have burned over 106,853 acres and destroyed forest growth and forest products valued at \$222,931, and other property valued at \$75,913, a total of \$298,844. Of these fires, 85.6 per cent are definitely attributed to railway agencies, 3.5 per cent to known causes other than railways, and 10.9 per cent to unknown causes.

Of the total area burned over, 92.3 per cent is chargeable to railway causes, 1.2 per cent to known causes other than railways, and 6.5 per cent to unknown causes.

Of the total damage, 93.9 per cent is chargeable to railway causes, 2.3 per cent to known causes other than railways, and 3.8 per cent to unknown causes.

Of the 1,483 fires which the railways are definitely charged with having caused, 1.414 fires are attributed to sparks from locomotives and 69 fires to employees.

The fire protective appliances on 2,269 locomotives operating in forested territory were inspected by officers of the Fire Inspection Department during the fire season of 1920. The fire protective appliances on 406 locomotives were found defective, being 18 per cent of the total inspected.

The Fire-Guard Requirements, applicable to the Prairie Provinces, were revised and reissued under date of April 20, 1920. Under this revision, the option was granted the railways of handling the construction of fire-guards in wild lands and fenced grazing lands on the basis of an eight-foot ploughed strip instead of a sixteen-foot ploughed strip, except as to certain specified territory. The statistical fire-guard report for 1920 shows that 9,101.9 miles of fire-guards were constructed or maintained in the Prairie Provinces.

Under appendix "D," will be found a full report of the Chief Fire Inspector, together with summaries of fire reports, inspection of locomotives and fire-guard construction.

### ROUTINE WORK OF THE BOARD

### RECORD DEPARTMENT

Since the publication of the last annual report there has been no change in connection with the clerical staff of this department.

Below is given a table setting forth the number of applications filed, and letters and a file of the property of the state of the setting of the setting forth the number of orders issued:—

Number	of	applications made	3,770
		mines received during the vear.	32,270
		out-going letters during the year	26,980
		Orders issued during the year.	1 202

# THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

RECORD ROOM

STATEMENT showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1920.

					Jear	OHGI			11001	01,	1020.		
Sections of Railway Act	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total
Rescinding of orders, sec. 34	9	3	3	1	5	3	6	1	4	5	5	6	51
Rules and regulations. Extension of time, sec. 41	2	4	2	3	4	8	3	7	6	7	8 2	10	1 64
Location of line, sec. 167-177. Route map, sec. 167. Railway as constructed, sec. 175	4	3		3	1		1 6		1	2 2	2	3	20 11
Railway as constructed, sec. 175	1	3 6				4.29	1			ī		9	15
Deviation of line, sec. 178 Mines and minerals, sec. 194-198	4	0	3	4	3	17	6	8	6	9	1	2	69
Expropriation of lands, sec. 189-		1			4		2	4			4		
Appeals								1		1	1		6 2
Branch lines, sec. 180-187 Railway crossings and junctions,	21	20	28	19	27	21	30	29	18	22	34	16	285
sec. 252-254 Interlocking appliances, sec. 252.	3	5	. 4		2	6 3	3	1 2	1		3 2	2	25
Highway crossings, sec. 255-257.	25	17	19	7	18	16	15	19	20	15	8	9	14 188
Highway diversion, sec. 256 Protection at crossing, sec. 257-		9	5	3	2	11	12	3	8	2	4	3	62
Telg. and telephone connections,	11	5	10	10	. 6	5	11	7	7	12	13	2	99
sec. 371		1				1	1		İ	,	1	1	4
sec. 371 Telephone wire crossings, sec. 372 Power wire crossing, sec. 372				1									- 1
Telephone agreements, sec. 375	4	6	7	12	8	19	14	7	5	8	7	1	98
Water pipes, sec. 269						2			2	1			5 1
Sewers, sec. 269		3	1	1	1	1	1 2	1 4	1 2	2			9
Culverts, sec. 269. Farm crossings, sec. 272-273 Cattle guards, sec. 274		,	3	3	1	3	1	1	4	2	1	1	20
Fencing of right of way, sec. 274	1		2	2	4	7	1	·····i	4	2	2	4	5 26
Construction of nav. waters, sec 245-249.			1									_	1
Bridges, sec. 249-251	15	4	17	15	15	14	28	14	8	8	6	13	157
Tunnels, sec. 249-251	8	2	8	4	6	2 5	2	4	2 3	2 10	7	17	8 75
Condition of stations, sec. 188				5						1	2		8
Station accommodation and agents	16	15	14	11	13	7	97	9	4	9	7	12	214
Condition of roundhouses Opening of railway, sec. 276-277.	1		3							2	. 1	2	1 18
Condition of railway, sec. 263	3	2	5	5	5	î	5	5	4	4	4	3	46
Rolling stock, sec. 298-301 Train service	ii	2 .	4 7	11 4	5 7	6	2 7	1 2	1	6 2	4 3	2 7	37 59
Working of trains, sec. 287 Obstruction to traffic, sec. 311	4.	3	6	4	2		4	2	1.	1	2 1	2	31 2
Accommodation for Traffic, sec.				1									
Accident reports, sec. 285-286	6 37	7 24	5 27	6 27	33	6 30	10 31	7 28	2 45	39	10 35	30	.70 386
Fires from locomotives		2							1	1	1		3 13
By-laws re tolls, sec. 323 Interswitching, sec. 316-337		1	1				1		1	2	1	4	11
Freight classification, sec. 322	2	2	1		1	1		1 2	2			1	11
Forms of tariffs, sec. 323-327 Disallowance of tariffs, sec. 325.		2	2		5		1	2			2 3	3	17 15
Standard freight tariffs, sec. 330 Standard Passenger Tariffs, sec.		1	2		3				4	6)	0		
334. Local passenger tariffs		. 2		1 7	5		1			1	2		12 13
Adjustment in rates							6	5 4	12	3 2	3		23 28
Special freight tariffs, sec. 331 Special Passenger tariffs, sec. 335	3 2	4	4	1 9	1	3	8	5	1.	ĩ	2	1	41
Joint tariffs, sec. 336-341 Provisions for carriage, sec. 344-						1	1					1	3
348	1	1		1					1		1	3	8
Discrimination, express rates, sec. 360.								1				1	2
Express tolls, sec. 360-366	·····2			1		1	3	1	3		3	1	19
Carriage by express, sec. 364 Disc. in telephone tolls, sec. 375					2								2 5
Telephone tolls, sec. 375 Amalgamation agreements, sec.						1		1	2		4		0
151-153									1			1	2
Traffic agreement, sec. 154 Enquiries	15	7	10	11	9	11	11	11 67	4 55	10 60	75	17 86	125 864
Complaints	77 22	84 11	78 19	80 18	64 19	73 28	65 28	40	84	18	17	21	325
Totals	313	273	309	294	287	322	432	307	336	284	302	311	3,770
A Otto Strate St	010									D	PARRE		
									- 1	14	STATISTICS		

### APPENDIX "A"

# PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1920

### MILK RATES-SUSPENSION OF CERTAIN TARIFFS

Jadement of Commissioner Bosec, dated December 18, 1919, concurred in by Chief Commissioner Carcell, Assistant Chief Commissioner McLean and Commissioner Rutherford, Deputy Chief Commissioner Nantel and Commissioner Goodeve dissenting.

Application is made by the National Dairy Council for suspension of the following tariffs. for sulpment of milk in passenger, or mixed passenger and freight train service (baggage cars), viz:—

1. Canadian Pacific Ry. Co.'s Tariff, C.R.C. No. E. 25.

2. Grand Trunk Ry. Co.'s Tariff, C.R.C. No. E. 2750.

3. Canadian National Ry. Co's Tariff, C.R.C. No. E. 29. 4. New York Central R.R. Co.'s Tariff, C.R.C. No. 249.

5. Quebec, Montreal & Southern Ry. Co.'s Tariff, C.R.C. No. 271.

6. Napierville Junction Ry. Co.'s Tariff, C.R.C. No. 113.

7. Montreal & Southern Counties Ry. Co.'s Tariff, Supplement No. 2 to C.R.C.

The first four tariffs were proposed to be made effective June 1, 1919; the fifth

and sixth on June 15, and the seventh on the 25th of June, 1919.

The complainant points out that the present rates for the milk service for which the proposed tariffs provide substantial increase in charges, are found in

C.P.R. Tariff C.R.C., No. E 2847, at page 20.

The substance of the objection to the proposed rates is that they are excessive; that the present rates afford adequate remuneration to the railways for the services performed in and about the carriage of this universal food commodity; that the present rates are all the traffic will, or should, bear; and that any increase is without justification, and would have the effect of increasing the cost to the consumer, of an essential food commodity. The Board of Trade of the city of Toronto joined in the objection, and, at the hearing, the Farmers' Dairy Company, Toronto, and the Ottowa Dairy Company, the Montreal Dairy Company, and the Border Chamber of Commerce, Windsor, were also represented.

Upon the representations of the applicant, and after interim submissions by the milways, and, pending a hearing and disposition thereupon, the Board, by order, suspended the operation of the tariffs, and, since the hearing, the railway companies concerned were required by the Board to submit statements of the tariff

showing:-

- 1. The nature and extent of the milk movement to representative points—
  Montreal, Quebec, Ottawa, Toronto, Hamilton, London, Windsor, and any
  other representative points, upon the railway concerned in maintaining
  proposed tariff, to which the traffic moves.
- 2. The earnings on these movements at the proposed new rates, and the earnings on the old rates.
- 3. The extent, nature, and particulars of any factors, alleged to have contributed to the increased cost of the traffic, and necessitating, and alleged to justify the increase in rates—

the delivery of which has occasioned some delay in getting the case ready for disposition.

The baggage car service for carriage of milk was inaugurated in 1886. The basis of these rates, then, were as follows:—

A revision of these rates went into effect May 1, 1891, as follows (Tariff 165):-

For distances 40 miles and under, 15 cents per 8-gallon can. For distances 41 miles to 150 miles, 20 cents per 8-gallon can.

The effect of the revision being to effect a reduction of rates of carriage over 80 miles by 5 cents per 8-gallon can, with an extension of the maximum distance from 120 to 150 miles at 5 cents less per can than the rates of 1886 provided for.

In 1893 these rates were again varied in connection with a proposed change in the rates as to 4-gallon cans, as follows:—

For 40 miles, or less, 8 cents per 4-gallon can.

For 41 miles to 150 miles, 11 cents per 4-gallon can.

In June, 1911, the Board heard the application, made by the Montreal Milk Shippers' Association, asking (a) that the railway companies give a rate of 8 cents for a 4-gallon can and 15 cents for an 8-gallon can, respectively, up to 75 miles, and 11 cents for a 4-gallon can and 20 cents per 8-gallon can for all distances over 75 miles, that is, increasing the distances over which the rates prescribed in the tariff of 1893 on 4-gallon cans were effective, and, consequently, effecting a reduction in rate on the 4-gallon can; and (b) that certain conditions of carriage of the milk traffic be prescribed. By its Order, No. 15413, dated September 26, 1911, disposing of this application, the Board directed, inter alia, that on and after the first day of September, 1912, the railway companies should not be required to accept for transportation any cans of milk of less capacity than 8 gallons, whether containing milk or empty. This order effected a cancellation of the rates filed in 1893 on 4-gallon cans, by abolishing the traffic in that quantity, leaving the rates on 8-gallon cans as prescribed by Tariff 165, May 1, 1891, cited above. The order further prescribed conditions of carriage of the traffic, which had not theretofore been settled, and which had been the subject of frequent complaint and disputes between the shippers and carriers. As related to the history and growth of the traffic, the evidence at the hearing has some bearing on the present application and will be referred to hereafter. The conditions of carriage are substantially those prescribed by the tariff now attacked. By reference to these conditions, it will be seen, inter alia, that the shipper must properly mark and secure his can, and attach to it a milk ticket and shipping tag, and shall load the cans at the shipping point, and the shipper is required to have his milk at the point of shipment, properly waybilled, at least fifteen minutes before the arrival of the train on which it is to be shipped, and consignees are required to take delivery from the door of the baggage car. At flag stations billing is to be done by shippers; empty cans are to be returned by the railway company, to shipping points, free of charge—but, if such number more than 20, shippers must provide one man at shipping point to assist in their unloading. If over 40 cans the shipper is to provide two men; the railway company is to continue the issuance of milk tickets, and shall not be liable for loss of, or damage to, or delay in, any shipment of milk, or can, unless resulting from negligence of the company, its servants or agents.

It will be observed that the conditions of carriage reduce the service to be performed by the railway company to practically that of mere carriage of the commodity. The railway is relieved of the expense incident to loading and unloading.

and, to a rigo extent, that of billing. Its liability as a common carrier is also minimized and restricted. It is, as regards this truffic, no insurer, and the implied undertaking to early the commodity safely is restricted to acts resulting from much more of itself. its a ryants or agents. The burden, service and responsibility of the corporate in this special arrangement shared between shipper and carrier, ml it is arg ! . . . willmut some considerable force, that the shippers' contribution to the service of carriage, beyond those duties resting upon a shipper in an ordinary contract of carriage, is very little less than, if not equal to, that of the carrier. In an ordinary transaction of carriage the shipper's duty is performed when he has delivered his package to the carrier at the latter's receiving station and has obtained a shipping receipt for it. Under the special conditions governing the contract for carriage of milk in baggage cars, the shipper, instead of the carrier, must attend to the ticketing or billing (in some instances) of the consignment, and load it himself, or employ others to load it, into the baggage car. On reaching its destination the consignce must be on hand on the arrival of the train to take delivery at the door of the baggage car. If he does not perform this work himself he must employ others to do it, and, both by shipper and consignee, there is a service of value, and involving expense, which expense increases proportionally with the expense of any handling or expense of carriage by the railway company. The railway performs no service to the commodity during transit. If the weather be hot there is no icing; if extremely cold, no heat is included in the service. If damage results from the absence of icing, or of heat, the carrier is not responsible. In short, the carrier has practically performed his duty when it has given space in the baggage car of its passenger trains to a milk shipment, ticketed and loaded by the shipper, and to be unloaded by the consignee at destination.

With no modification of these conditions of carriage, and with none in contemplation (as counsel for the Canadian Pacific Railway states to the Board) the tatiff allow are submitted, and which proposed to substitute the following rates for those now in force under the old tariffs just referred to, viz:—

### EIGHT-GALLON CANS, IMPERIAL MEASURE—(C.P.R. PROPOSED TARIFF)

	Mile																]	Rates
Not o	over 1	10 n	niles														17	cents
Over	10.	but	not	over									 ۰					
1.6	20.	6.6	6.6	66	3.0	mile												cents
6.6	30,	6.6	- 11	66				 	4 0								19	cents
**		4.6	6.6	6.6	40			 				 				,	20	cents
	40,				50	6.6		 				 	 				21	cents
	50,	**	6.6	6.6	60	6.6		 									22	cents
	60,	6.6	6.6	4.6	7.0	6.6												cents
1.4	70.	4.6	6.6	6.6	8.0	6.6												
es	80.	6.6	6.6	6.6	90	6.6	0.0	 		4			 			,		cents
4.6	90.	4.4	64	4.6		66		 									25	cents
4.4		6.6			100			 				 					26	cents
	100,		6.6	6.6	110	4.6		 									27	cents
	110,	6.6	0.6	6.6	120	6.6												cents
6.6	120,	6.6	4.6	4.6	130	6.6								0				
6.5	130.	6.6	6.6	44	140	14		 		*	 0 1				0 0			cents
6.6	140.	6.6	4.6	6.6		4.6		 		0	 	 					30	cents
	170,				150			 									2.1	conte

The Grand Trunk Railway Company and the Canadian National Railway Company ... voice tariff up to 550 miles on the same scale; the Montreal and Southern Caure. Railway Company carry the tariff up to 50 miles on the same scale; the Charles Montreal and Southern Railway Company and the Napierville Junction Railway Company and the Napierville Junction Railway Company and the Napierville Junction Railway Company carry the tariff up to 60 miles on the same scale.

transis some evidence as to the average distance of haul to different milk centres e.s., Mr. R. D. Hughes, General Manager of the Farmers' Dairy Company, and the sourcest haul to Toronto in summer would be 60 miles, in winter about 150 miles. The average in summer would be 35 miles; in winter 100 miles.

The representative of the Montreal Dairy Company says (p. 8116), that the average haul is about one-half, up to 40 miles and the other half between 85 and 101 miles.

Mr. Nancekivell, of the Chamber of Commerce, Windsor, says (p. 8119), that 80 per cent of the milk supply of Windsor comes from Oxford county, Ingersoll and Woodstock, which means a haulage of from 130 to 140 miles.

These haulage figures, furnished in a general way, when applied to the centres affected, would mean the increases in tariff as follows: viz:—

Toronto, summer, 35 miles, average increase 33.3 per cent.

Toronto, winter, 100 miles, average increase 30 per cent.

Montreal, summer, 40 miles, average increase 33.3 per cent.

Montreal, winter, 85 to 101 miles, average increase 30 per cent.

Windsor, winter and summer (80 per cent) 130 to 140 miles, 50 per cent.

These are very general estimates appearing in the evidence, of mileage, given at the hearing. With a view to greater accuracy, as to mileage movements, take the average mileage of each railway to the centres to which the traffic moves—taken from statements filed by the railways since the hearing. The figures given are not indicative of the volume of traffic moving within the mileages given. That analysis will be dealt with further on.

1.	Canadian Pacific Railway Company—	
	(a) Montreal, average mile	57·2 40·34
	(b) Ottawa, average mile	62-36
	(d) Quebec, average mile	32.03
	(e) Toronto, average mile	$72 \cdot 04$
	All centres, average mile	60.25
2.	Grand Trunk Railway Company—	
	(a) Montreal, average mile	51.69
	(b) Ottawa, average mile	32.56
	(c) Windsor, average mile	91.77
	(d) Quebec, average mile	97.38
	(e) Sherbrooke, average mile	23.98
	(f) Brockville, average mile	41.26 $20.90$
	(g) Hamilton, average mile	26.28
	(h) London, average mile	60.41
	(i) Toronto, average mile	00.41
	All centres, average mile	54.53
3.	Canadian National Railways—	
	(a) Montreal, average mile	319.05
	(b) Quebec, average mile	35.80
	(c) Garneau, average mile	21.80
	(d) Brockville, average mile	16.80 36.50
	(e) Trenton, average mile	56.46
	(f) Toronto, average mile	0.0.40
	All centres, average mile	45.20
4.	New York Central Railway Company—	
	(a) Montreal, average mile	34.86
	(b) Ottawa, average mile	30.83
	All centres, average mile	4.0 - 6.9

The other railways concerned, viz., the Quebec, Montreal and Southern, the Napierville Junction Railway, and the Montreal and Southern Counties Railway did not furnish the information upon which a similar analysis could be made.

From the figures given above, as to the mileage movements, to different eastern centres, indicated by the rails, ys statements, the following appears to show the and symmetric of distances of hand to those centres of all railways concerned, and furnishing information:—

1. Mont. 1	
9 Ottawa	
2. Water 1	
4 Ougher	
23.98	
6. Brockville	
7. Hamilton	
\$. familiar 26.28 \$. The first 58.53	

In turther analysis of the statements furnished by the railways as to the mileage of the traffic to the six principal and representative centres, the following table will indicate the number of shipping points on each railway making return, located within the 10-mile zones proposed by the schedule:—

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SIONAL I	PAPER No.	20c			
T 2440	TOGGE	88000088888888888888888888888888888888	402		
9	C.N.R.		10		
Brockville	G.T.R.	H40000000000	9	11	2.74%
Br	C.P.R.	000000000000	0		2.
lsor	G.T.R.	000000000000000000000000000000000000000	က		%
Windsor	C.P.R.	H000H00H00000	4	1	1.74%
	C.N.R.	00-0000000	4	11	
Quebec	G.T.R.	0000000000000000	-		2.74%
	C.P.R.	H8HHH00000000	9		
	N.Y.C.	HHMH00000000	9		
g.	С.И.В.	000000000000	0	,	5.97%
Ottawa	G.T.R.	NNN000-00000	7	24	70
	C.P.R.	m-m-00000	11		
	C.N.R.	+::::::::::::::::::::::::::::::::::::	22		
Toronto	G.T.R.	, 111 121 121 121 121 121 121 121 121 12	87	157	39.05%
I	C.P.R.	01-550-10004000-1	48		
	N.Y.C.		1		
ontreal.	C.N.R.	84888100100000	14	192	%9
Mont	G.T.R,	000000000000000000000000000000000000000	109	T	47.76%
	C.P.R.	40470000000000000	62		
Millo	инее	a 10 to 20. b 20 to 30. d 40 to 50. e 50 to 60. e 50 to 60. g 70 to 80. h 80 to 90. k 110 to 110. l 120 to 130. n 140 to 150.			Percentage of whole

The above analysis shows that the movements from the various tariff zones to all the centres named took place in the ratio and percentage following, viz:—

												Per	rcentage	Percentage	Percentage
From	20	to	20 30 40		 	0.0	0.0	0.0	0.0	0.0			9.45 15.67 14.68		
64	10	66	40	68 .	 								12.44	39.80	
60	40 50		50 60												
et et et	60		60 70 80		 					0.0			8.96 7.21	20.40	60.20
24	60	81	80 90		 								7.46	16.17	76.37
+ 0	90	64 5	100								* *		5.72	13.18	89.55
66	80 100		100 150	44 .	 									10.45	100.00

Applying the mileage percentages above mentioned to the scale of mileage zones of the tariff now in force, the percentage of the mileage movements from those zones, according to the statements furnished by the railways, would be:—

And applying the percentages to the mileage zones, proposed in the new tariffs, now under consideration, the following would result as to percentage of the mileage movements from those zones, respectively, to the centres—

Fron	n. (	)	to	40	mile	·S	 	 	 	 		 	 39.80	per	cent
v 6	ĺ	)		50	t 6		 	 	 	 		 	 $52 \cdot 24$	**	
6.6	(	)	6.6	6.0	6.6					 		 	 60.20		
60	(	}	60	70	66		 	 	 	 		 	 69.16	6.6	60
6.6	- (	}	6.6	8:0-	64		 	 		 		 	 76.37	66	44
4.6	(	1	4.6	90	1.4		 	 	 			 	 83.83	4.6	4.4
66							 ` .	 					89.55	44	66
							 	 	 	 	40.0	 	 10.43	6.6	46

And the average of the zone baul to each of the centres respectively, would work out upon the same table, as follows:—

# AVERAGE OF ZONE HAUL TO EACH OF THE CENTRES.

SESS	IONAL P	APER	No.	20c				
	100 to 150 M.	per cent.	4.69	7.83	4.17		28.57	27.27
	90 to 100 M.	per cent.	2.60 95.31	9.56 82.17		9.10	14.29	
	80 to 90 M.	per cent.	7.81 92.71	8.92			14.28 57.14	
SENTRES.	70 to 80 M.	per cent.	7.90 84.90	7.64	8.33 95.83			
н оғ тне (	60 to 70 M.	per cent.	13.46 77.00	5.05	4·17 87·50	90.06		
AVERAGE OF ZONE HAUL TO EACH OF THE CENTRES.	50 to 60 M.	per cent.	11.46 63.54	5.14		9·09 81·82	14·29 42·86	
OF ZONE HA	40 to 50 M.	per cent.	15.62 52.08	10.19	8.33	9.10	14.27 28.57	
AVERAGE	0 to 40 M.	per cent.	36.46	35.67	75	63.63	14.30	72.73
	Centre		Montreal(a)	Toronto(a)	Ottawa(a)	Quebec(a)	Windsor(a)	Brockville (a)

Nors: The figures in columns—on line marked (a) incidate percentage of traffic to and within the zone area given.

The figures in columns—on line marked (b) indicate addition of zone traffic to percentage of traffic to zones preceding.

The above results are not intended to be an analysis of the volume of traffic moving later to the indicate apart from the volume of traffic carried between and attributable to certain zones, the average zone movement of the traffic.

I will now consider, in the light of what information is furnished by the railways, the volume of traffic moving between the respective zones, with a view to ascertaining, with as much accuracy as figures furnished will allow, between what

zone areas the burden of increase proposed will be carried.

The shipments in cans to the larger centres shown in the railway statements, viz., Montreal, Toronto, Ottawa, Quebec, Windsor and Brockville, would (when extended upon an equal annual basis), show a total, on an annual basis (estimated), of 2,174,582, of 8-gallon cans moving to the centres mentioned. (No date under this head being furnished by any other railways than the C.P.R., G.T.R., and C.N.R.):—

District	C.P.R.	G.T.R	C.N.R.	N.Y.C.R.	Total
Montreal	496.226	545,688	42,869	No. of cans	1,084,78
Toronto	464,040	355,716	113,264	not given	933,020
Ottawa	18,720	36,780	None.	66	55,550
Quebee	35,766	8,682	23,990		68,43
Windsor	8,658	18,378	None.		17,03
Brockville		. 9,732	6,123		15,85
1	1	1		1	2,174,58
Number of cans (on same estimated annua	l basis) ship	oped to other	points		25,32
Total annual number of cans carried (esting	nated)				2,199,908

A glance at the above figures will show how largely Montreal and Toronto bulk as the centres of milk distribution. Together the shipments total 92.78 per cent of the total movements given by the railways, or 42.90 per cent to Toronto, 49.88 per cent to Montreal, and 7.22 per cent to other centres shown. These figures and percentages it is to be observed, are not in any sense an accurate statement of the whole traffic; but are based upon what data has been furnished by the various railways interested in supporting their proposed tariffs, and by extension of their figures upon an annual basis, when furnished only for two representative months. They are, however, close enough for analytical purposes.

According to a statement furnished by the Canadian Pacific Railway Company, the rates now proposed would effect increases upon the present schedule according to the percentages following, viz:—

			Mileage proposed	Present rate	Proposed rate	Increase per can	Increase percentage
				cents	cents	cents	
Not o	over 1	0 mile	s	15	17	2	13.3
			er 20	15	18	3	20.0
"	20	66	30	15	19	4	26.6
66	30	66	40	15	20	5	33.3
66	40	66	50	20	21	1	5.0
66	50	66	60	20	22	0	10.0
cc	60	66		20	23	3	
66	70	66	70	20		0	15.0
66		66	80		24	4	20.0
66	80	66	90	20	25	5	25.0
	90	66	100	20	26	6	30.0
	100		110	20	27	7	35.0
cc	110	6.6	120	20	28	8	40.0
66	120	. 66	130	20	29	9	45.0
66	130	6.0	140	20	30	10	50.0
cc	140	6.6	150	20	31	11	55.0

The percentage of increase shown by the above table present some striking features having regard to the percentages of zone haul of the traffic to the six centres shown in the statement of average zone haul. Applying the percentages of increase of proposed rates over existing rates in the latter to the average of zone haul, it is manifest that the ordinary and well established principles of ratemaking, especially when applicable to zone hauls, are either departed from, or suffer some distortion. While long haul rates are, in proportion, cheaper than short haul rates, that element. at least, is wanting in the tariff now proposed to be based upon 10-mile haulage zones. One would expect that rates built upon that principle would increase with the number of zones covered by the total haul. The application of the tables drawn from the statements of traffic, etc., offered by the railways in support of the proposed tariff, show that, while this principle is adhered to in part, it is departed from, and in a way that largely discriminates against the volume of the traffic. In determining the fairness of the proposed increase of rates, for the carriage of so vital a food commodity, upon which a very large supply business has been built up, greater burdens rest upon the railways in their justification, and in their examination regard must be had, primarily, to the bearing, pro rata, the proposed new rates have upon the important traffic built upon the basis of the old rates. An analysis of the can mileage returns given show the following distribution of zone hauls to the large centres of Montreal and Toronto, which as I have shown bear so large a proportion of the whole traffic:-

\*Total.....

......... 1,085,143

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# CAN MILEAGE MOVEMENT TO MONTREAL

Railway   0 to 20   0 to 30   0 to 40   0 to 50   0 to 60   0 to 70   0 to 80   0 to 100   0 to 110   0 to 120   Totals							٠						
S. 9.3.66         22,698         55,500         152,454         27,582         88,074         129,090         19,782         88,250         30,024           19,138         14,113         2,409         6,546         141         361         36,586         102,151         511         30,024         30,024	Railway	0 to 20	0 to 30	0 to 40	0 to 50	0 to 60	0 to 70	0 to 80	0 to 90	0 to 100	0 to 110	0 to 120	Totals
19,366   22,698   55,500   152,454   27,582   88,074   129,090   19,782   8,250   30,024		4	1100	8 5	δ; L.,	1 004 1 000 1 000		18. 67	10,01	365 1540		2.910	tini, 13.
14,113	.R	9,366	22,698	55, 500	152, 454	27,582		129,090		8,250	30,024		542,820
181 50 181, 947 180, 851 180, 781 181, 564 185, 851, 851, 851 181, 564 181 181, 621 181	.В.	19, 138	14,113	2,409	6,546	141	361			511			43,219
	'i mals	(st., 7.52)	105 17.0	11: 17:	186. 137			111,564	35, ssg	102.151	(p.) (15)		

# CAN MILEAGE MOVEMENT TO TORONTO

428,394	351,090	114,264	893,748	47,243	940,991	
570	300	1.109	1,979			ways.
						by rail
25, 134	12,798	2,243	40,175	miles		furnished
132,810	63,996	8,509	205,315	-120 to 150	*Total	statements
2,418 133,908	57,342	16,350	28,934 19,505 39,009 207,600 205,315	Mileage—all roads—120 to 150 miles.		difference in totals above from those on preceding page is due to errors of addition in statements furnished by railways.
	25,344	11,247	39,009	Mileage		errors of a
9, 532	13,092	4,061	19,505			e is due to
ъ, 280	16,050	4,604	28,934			eeding page
15, 165	17,329	14.491	46,981			ose on bre
45, 186	53,004	18,618	116,808			ve from th
56, 532	69,300	31,117	30, 493 156, 949 116, 808			totals abo
6,036	29, 542	1,915	30,493			ifference in
						"It is to be noted that slight
			l'otal-			to be r
C.P.R	G.T.R	O.N.R				*It is

The application of the proposed rates to the new zone haulage of the traffic, shows the following results applicable to the centre of Montreal:—

In zone	haul	0	to	40	miles,	32.92	p.c.	of	traffic	would pay	33.3	p.c.	Increase.
66	"	40		50	66	17.22	"		66	66	5.0	66	66
"	66	50	66	60	66	6.63	66		66	66	10.0	66	66
66	66	60	66	70	66	11.13	66		66	66	15.0	66	66
66	66	70	66	80	66	13.04	66		66	, "	20.0	66	66
66	<i>66</i> -				66	3.31	46		66	66	25.0	66	66
66 -		00		100			66		66	66	30.0	66	66
46		00		150		6.34	66		66	66	45.0	66	. 66

Substantially the same scale of increase is applicable to the Toronto traffic. A percentage (approximate) of 331 per cent of the Montreal, and 33 per cent of Toronto traffic; fully 75 per cent of Ottawa; 95 per cent of Brockville; 75 per cent of Quebec; and about 6 per cent of the Windsor traffic representing 52.83 per cent (in round figures 53 per cent) of the total traffic moving to the six centres, in the traffic returns, moves in the zone 10 to 40 miles, and would, therefore, bear 33.3 per cent of the increased rates. Beyond that 10 to 40-mile zone the movements become light and scattered, as appears by the table showing average of zone haul, the additional 47 per cent of the traffic being distributed over zones from 50 to 150 miles. And yet, as the zone distances increase over 40 miles, and the traffic is divided into smaller portions between zones, and begins to dwindle as distances from centre increase, the burden of increase of rate that traffic bears sharply decreases, in the 40 to 50mile zone (carrying 17.22 per cent of the traffic) to 5 per cent; in the 50 to 60-mile zone (carrying 6.63 per cent of the traffic) to 10 per cent; in the 60 to 70-mile zone, (carrying 11.13 per cent of the traffic) to 15 per cent; and in the 70 to 80-mile zone (carrying 13.04 per cent of the traffic) to 20 per cent; thus throwing the burden of increase of 33.3 per cent in rates upon the larger volume of traffic, moving within the shorter distances, and distributing the lighter increases (5 per cent to 20 per cent) amongst the lighter traffic moving between the zones having the longest haul.

Reference may be made to the revenue derived from this traffic, i.e., to Montreal and Toronto, in relation to total revenue shown by the railways filing tariffs. The statements of the C.P.R. and G.T.R. giving the figures, are for January and July. 1919, as representative months, so the figures are extended on an annual basis without specific regard to accuracy of calculation, but as giving a general indication as to the proportion these centres are contributing to the whole revenue shown:—

C.P.R G.T.R C.N.R N.Y.C.R	 	 	 	 • •	180,754	50 55	Montreal \$ 87,549 10 104,759 40 6,480 85 14,102 58	62,967 60 20,671 35

\$416,958 25

REVENUE

\$383,951 28 Or 92.08 per cent of the total traffic.

\$212,891 93

\$171,059 35

The gross earnings from the milk traffic in Canada as shown by railway statistics for 1918, appears to be:—

										 	\$538,486 82	2
For 1917												3
For 1918	 	 	 				0.1		 	 	000,220	

by which it appears that about 69.76 per cent of the revenue from the milk traffic of Canada is derived from Montreal and Toronto traffic.

It is a conducted the proposed schedule is with a view, first, of establishing the non-zones of hand for this tradic as a more teasible and workable plan of handling the ration and so mily, of adjusting and equalizing the rates as between the zones, and the other conditions in 1886, has steadily grown to substantial proportions under the rates now to note, is not to be lost sight of in considering the general reasonableness of the more considerable as applied to the whole traffic. As I have before pointed out, the ground of stablishing the reasonableness of the proposed change is clearly upon the conflict plants of the change, and the condition of the traffic under consideration is such as to call for a strict application of the principles referred to in Dominion Sugar and the folight Association v. Caldwell, 15 C.R.C., 156, in which latter case at p. 157, Mr. Commissioner McLean, in delivering the judgment of the Board, said at p. 157:—

"The Board has laid down, in various decisions that where a rate which has been for sometime in force was increased, the burden of proving that such increase was reasonable was on the railway, it being held that a rate established in the first instance by a railway of its own volition was presumptively reasonable, and that it was incumbent upon the railway, if such initial rate was reasonable, to show with reasonable conclusiveness what changed conditions, or increase of operation justified the advance of the rate."

And, in the Pender case, file 10720, where the rule was applied, it was required that the information as to changed conditions and cost should be as to the particular commodity on which the rate increase had been made.

While this principle was not followed in the Board's judgment in International Paper Company v. G.T.R., C.P.R., and C.N.R. Companies, 15 C.R.C., p. 111, the presumption was by the majority of the Board, held to be subject to the qualification that operating costs have not materially advanced. In the dissenting judgment of Mr. Commissioner McLean he says:—

"The Board, however, has laid down the position that when a rate is increased the burden is upon the railway to justify this increase; and it has further held that general allegations as to the increase of cost of service, etc., are not conclusive, as to the reasonableness of the rate. Personally, I am of the opinion that the railway should adduce particular information as to the increase of the particular costs affecting the traffic in question, if increase of cost is to have any adequate weight in justifying the reasonableness of the rate attacked. In a recent decision of the Interstate Commerce Commission, Geo. A. Hormel & Co., v. Chicago, Milwaukee & St. Paul Ry. Co., et al, 26 I.C.R. 1, at p. 114, the following language occurs:—

"Defendants introduced some testimony as to the increased cost of transportation by reason of higher price of equipment and greater wages paid employees, but such statements can have little weight when presented in the abstract with no attempt to allocate charges or consider corresponding reductions in the cost of transportation resulting from greater efficiency."

The principle, therefore, remains as the Board has always held, that wherever perticular costs are available in justification of an increase of a long standing rate, they should be furnished, and their absence subjects the railway to the presumption stand. I shall refer later on to the specific nature of the information required by the Board to be furnished in this case, and the effect of its not being forthcoming is considered both with regard to the application in the special circumstance, of the this stantism referred to, and to the special features of the rate arrangement herein reterred to.

Having pointed out in the foregoing analysis of the information as to the traffic submitted by the railways in support of the increase what, from the information submitted, would appear to be inequalities which would result from the application of the proposed rates to the important traffic built up on the present rates it will be useful to consider the extent to which the proposed schedule is justified by the arrangements of the railways, and how far they have satisfied the onus resting upon them to establish their reasonableness and necessity.

II

The grounds upon which the railways seek to justify the proposed tariffs may be briefly stated as follows:—

(a) The increased cost of the service to the railways.

(b) The increased price of milk since present rates effective.

(c) The increase in the volume of traffic—entailing upon the railways the expense of further facilities for carrying and handling the traffic.

Were the milk rates based upon the ordinary conditions as to service, liability, and other elements, that attach to relations between shipper and carrier, the grounds referred to as the basis of the new, and increased, rates, if established by the railways, upon which the onus rests, would be entitled to every consideration. But, the history of the traffic from its inception in 1886, and from thence forward shows that, it was "a very exceptional arrangement, and was conditional from its inception upon the shipper and consignee performing certain acts which they would not be required to perform in ordinary shipments of freight or express.

See evidence of Mr. J. O. Apps, General Baggage Agent, C.P.R., at hearing of complaint of Montreal Milk Shippers' Association, volume 130, p. 5142.

To the same effect is the following evidence given by Mr. Apps, reported, volume 130, p. 5140-41:—

"(Q.) The arrangement under which these rates were established involved, from its inception, did it not, the performance of certain services by the shippers and consignees?

"(A.) Yes.

"(Q.) What did they consist of?

"(A.) That the shipper should load the full can on the incoming journey and that the consignee would take delivery at the car door on arrival at destination.

"Commissioner McLean: Were those conditions the outcome of an agreement in the first instance, or were they something imposed by the railway?

"(A.) I understand it was an arrangement made in 1886."

That exceptional condition—which, in a very large measure, removes the traffic from the ordinary elements of consideration and makes it largely dependent upon performance of reciprocal and exceptional obligations foreign to the ordinary relations of shipper and carrier, was further emphasized, in the same case, at p. 5199, by the following statement of Mr. Beatty, then appearing as counsel for the C.P.R.:—

"As I explained this morning, there is no doubt but that the reciprocal services performed by the carrier and shipper in respect of this peculiar commodity, handled in the way in which it was and is handled, was part of the arrangement whereby these very low rates and this fast service were obtained."

At the time that these statements were made on behalf of the railways (June 22, 1911) the railways were opposing an application to the Board by the shippers for a lower rate; for the continuation, at a lower rate, of the 4-gallon movement, established.

lished in 1895; and for more stringent conditions as to the railways responsibility for the shipmen(s and carriage. All that is now urged as reasons for increasing the rates were then organ by the railways as a reason for not reducing them—no suggestion of an increase of rates being then offered by the railways.

The railways argued the increased cost of the service, alleging that it had increased considerably since the original and reciprocal arrangement was entered into

Mr. Beatty says, volume 130, p. 5143—to the witness—Apps:

"Q. Is this application tantamount to a reduction in rates? "A, Yes,"

And at p. 5144, Mr. Beatty further said:-

"I think we can assume this, that all transportation charges have increased the cost of handling the average number of tons per mile that we handle, in the course of a year, having increased, about 80 per cent since 1886, that the cost of handling these identical trains upon which the milk is carried has increased in somewhat the same proportion."

The same complaint as to the unremunerativeness of the traffic to the railways was argued, in defence of the then, and now, existing rates, by Mr. Beatty, at pp. 5199 and 5200 (volume 130).

The complaint as to increase in cost of operation, had it been considered a factor, was well grounded then (in 1911), as regards percentage of increased operating cost, 1885-1910.

so that Mr. Beatty was well within the mark in stating that cost of handling this traffic (considered a part of general traffic) had increased 80 per cent since this recurronal and special arrangement was made in 1885, but he based it upon no claim or stage stion, that because of it the rates established upon the reciprocal agreement he propounded as a defence against the rduction of those rates, should thereby be increased.

The situation as regards the reciprocal agreement as to this traffic remains to-day—as it was in 1886—the only result of the hearing referred to being an Order, No. 15413, September 26, 1911, referred to in the earlier part of this opinion, and that, by consent of the parties (see judgment of the then Assistant Chief Commissioner, July 24, 1911), the conditions of traffic were settled upon in the form in which they appear to-day.

It is true that the railways complained, in 1911, as they do now, that the business was unremunerative, and that they did not want it—but, as Mr. Beatty said, in 1911 (volume 130, p. 5200):—

"We recognize that the system has grown up to such an extent that it is very difficult to change it, but if there is any way by which we could change it, we would be the most pleased people in the world."

The closing words of coursel for the C.P.R. on that occasion are important, as showing the attitude of the railways upon the question (volume 130, p. 5200):—

"Now it seems clear to me that the logical way for the Board to deal with the matter is this: these rules which have been agreed to have never been tried: the skinners' association admit, as the railways admit, that they were mover given real effect to, because they were never insisted upon either by the corriers, or attempted to be lived up to by the shippers. The Board is impressed

with the fact that these are reasonable rules and if the Board will say now, test these rules for three or four months, see that an absolute compliance with each term of each rule is required of the shippers by the carriers, then if that does not relieve the situation as complained of by the applicants, this application can be renewed."

The application, it is to be borne in mind, was by the shippers, inter alia, for a reduction of the rates. The consent disposition effected by Order No. 15413 apparently worked satisfactorily, as the application was not renewed. The traffic, in the meantime, has substantially increased.

The increased price of milk to the consumer was dealt with at the hearing of the case in 1911. It was referred to again, not as a reason for increasing the existing rates, but as justifying them and as a reason why the application for their reduction should not be granted. It is alleged by the railways that the cost of milk to the consumer had increased since 1886 by 40 per cent (volume 130, p. 5145). Mr. Flintoft now argues at the hearing of this case—volume 310, pp. 8126-7—that the price of milk has increased 62 per cent since 1911, and that the rates per quart in the larger cities stated was then:—

		Cents
Vancouver	 	 15
Calgary	 	 14
Winnipeg	 	 13
Ottawa	 	
Montreal		
Toronto		
Quebec		40 4
St. John	 	 14

Variations in this price in some of the centres named have taken place. The price to the consumer of this essential food commodity is, always has been, and probably always will be, from its very nature, fluctuating. Eggs, butter, meat, and several other food commodities of universal consumption show rapid fluctuations in price, largely upward of late years, yet the increase in price to the consumer of such food commodities has never, of itself, justified an application by the railways for permission to increase the cost of their carriage—even as ordinary freight—much less would such circumstances of fluctuation be a factor in aiding the railways to justify the increased tolls asked under the special and reciprocal arrangement under which this traffic has been carried for 33 years, during which time the fluctuations in price must have been very considerable. I would unhesitatingly say that the justifiability of considering this as a factor has not been established.

It is also argued that the conditions of carriage, the increased volume of the traffic, entailing, as is alleged, increased expense to the railways in the handling, billing, carrying, and delivering of milk, are all factors justifying the increased rates asked for. As to the conditions of carriage, the weight of the argument is difficult to see. The present conditions, which the railways do not propose to change, are the result of the application by the shippers in 1911, and as I have pointed out, were agreed to by the railways, and have been acted upon without complaint for upwards of eight years. It was never argued, until now, that because of them the rates should be increased. We were urged (volume 130, p. 5200) to give them a trial and if not satisfactory, after trial, the then current application by the shippers for a reduction of rates and more stringent conditions of carriage, might be renewed. The application was not renewed, the conditions mutually agreed upon appear to have been mutually satisfactory in their operation, and it would, it seems to me, not only be unreasonable, but unjust to base a claim upon them now for the increases asked for by the railways.

The arguments as to increased volume of traffic justifying the increased rates deserves but a further passing comment. It is a factor always sought for by the

railways, and an element which operates in reduction, rather than increase, of cost of carriage. It was admitted, as I have shown, at the hearing in 1911, by counsel for the C.P.R., that the milk traffic had grown to such an extent that it was difficult to change the system under which it had been carried since 1886 (volume 130, p. 5200). It has grown substantially since then, and, with the growth of the country must proportionally increase. It is no more an argument to-day in favour of increasing the rates than it was in 1911 in favour of retaining the present rates against an application to reduce them, and, in my opinion, it lacks the merit of consistency.

The railways further argue that the cost of handling this traffic has been further increased by the necessity imposed upon the railways of furnishing further facilities, additional baggage cars, more clerical work in billing, etc., and more men in handling returned empties, and shipments at junction points, and that with the upward curve of wages and read generally, these must be offset by an increase in revenue. This argument is largely answered by what I have said in a previous paragraph as to conditions of carriage. The railways agreed to those conditions. They accepted, as incident to the hunders of a traffic they say they did not relish, the results of those conditions is so far as they imposed additional burdens upon them with all that they involved, present and future, as part of the reciprocal obligations which are the basis of this special traffic. This is clearly set forth in the following statement, by Mr. Flintoft at the hearing. Evidence, volume 310, p. 8122:—

"In the year 1911 the basis of milk rates was protested and very thoroughly enquired into, as a result of which the Board issued order number 15413, which upheld the basis of rates and laid down certain regulations in regard to the carriage of the milk traffic, which generally increased the burden of service upon the carriers, in connection with various features, such as loading and the giving of receipts and taking care of the traffic generally."

Although the burden of proof is on the railways, under the decisions referred to, of showing extra cost attributable to the particular commodity carried under the terist proposed to be increased, where, as is shown in this case, the tariff has been In force for so long a time, and, particularly, under the special reciprocal conditions upon which it was originated in 1-86, and thereafter maintained, I am unable to find any evidence of increased cost attributable to this traffic. The railways have contented themselves with references to the well-known high level and upward trend of every factor of cost of operation generally, asking the Board to apply its knowledge of such to the special commodity in question. I do not read the decisions cited as justifying such a procedure. Even if, on the decisions referred to, it is alleged that general representations as to increased cost are sufficient to rebut the presumption as to the unreasonableness of an increased rate as compared with the theretofore existing rate of long standing, the special reciprocal conditions of the tariff on which the traffic was built and maintained would render it essential, as regards this particular case, that the barden of proof be fully satisfied by the railways. I cannot find any suggestion that for the specific purpose of serving this traffic the railways have held in build and put in use any additional baggage cars. It is true that loading platforms have had to be crested by the railways. They would be infinitesimal in ust in ratio to the volume of trailie and increased revenue derived therefrom. They would also be part of the burden the railways assumed in 1886 when entering into the respected arangement, and which they confirmed by the acceptance of the condithe safe the order disposing of the application to reduce their rates. The milk mov - largely on head trains, in baggage cars. If, in any specific cases (and they are not to mim. It an additional loggrage car had to be put on a train to serve the milk trade it would only be because the volume of movement necessitated the additional account dation for milk, as it might do in the case of baggage. But, however that

may be, the Board cannot, and should not, in a case like the present, be asked to presume that extra accommodation and service was, in specific cases, or in a percentage of cases to be guessed at, provided by the railways, and by some means, other than by evidence which it is clearly the duty of the railways to furnish, to arrive at the additional cost involved.

The whole situation—based upon the inauguration of the traffic 33 years ago and continued practically uninterrupted ever since—is exceptional and cannot be regarded or be dealt with upon the same principles as an ordinary traffic rate. It is, as the railways squarely admit, founded as to the details of service upon special and reciprocal obligations of shipper and carrier. The Board can ignore the arrangement, if it were thought unduly onerous, but, even if the evidence pointed towards such a conclusion (and in my opinion it does not) the fact that the railways in 1911, confirmed the original arrangement, with the changed conditions of carriage, preclude any such conclusion as to the unreasonableness of the arrangement so far as either party was concerned. The service involves special features foreign to the ordinary contract of carriage, and cannot be said to be unfair to the railways. It involves services to be performed by the shipper, foreign to the ordinary contract of carriage, in consideration of which the railways agreed upon a low rate of remuneration for what services they would have to perform, practically reducible to the giving of space in its baggage cars for the cans of milk loaded therein by the shippers, and the carriage and delivery of them at the baggage car door at destination to the consignees. What the railways ask is that the value of their service shall be increased proportionately with general increases of cost of the general operation of railways. But the value of the special and unusual services contributed by the shipper and consignee, have increased in the same proportion, yet no consideration is given to that extra cost. My view is that the services, respectively, of shipper and consignee, contributed under the special arrangement for this traffic and which were the considerations, originally, and during 33 years, for the alleged low scale of tariff, are, proportionately and relatively, as valuable to-day as factors in the arrangement as they were when it was originally made. To say that the services of the railways were to be appraised now at a higher relative value than in 1886, 1891, or 1911 to those of the shipper and consignee would have the effect of destroying that reciprocal contribution of service which the railways admit was the foundation of the original special arrangement, and would disturb its balance in a manner unfavourable and unfair to the shippers.

Although possibly different considerations might suggest themselves were the railways asking to place this traffic upon a different basis, thereby ridding themselves of the original and reciprocal obligations, yet as they affirm the arrangement, while seeking to better its terms at the expense of the other parties to it, I can only deal with the situation as one resting upon the same reciprocal obligation with a view to preserving the equities, or relative rights of each party.

The railway companies (C.P.R. and G.T.R.) submitted since the hearing, statements purporting to show the earnings of the milk traffic for representative months

on a car-footage and car-mileage basis, as follows:-

### STATEMENT SHOWING TOTAL REVENUE FROM MILK TRAFFIC. EASTERN LINES, JANUARY AND JULY, 1919

MASTERIA DIVES, SANOTHER TITLE SCHOOL	
C. P. R.—	
1. Total revenue—Present	\$30,919.10 39,079.96
2. Total car foot miles	6,807,579 8,064,691
4. Revenue— Per car foot—Present	3,834 mills 4,845 mills
Proposed  Per car mile, 60-foot cars—Present	23.004 cents 29.07 cents

STATEMENT OF MILK TRAFFIC, JANUARY AND JULY, 1919, SHOWING EARNINGS, CAR FOOT MILES AND CAR MILE

. T. R. →	
1. Total revenue—Present	\$30,125.75
	36,396.85
Proposed	
2. Total car foot miles	7,182,481
3. Plus 25 per cent for working space in case of L.C.L. traffic.	8,559,395
3. Pius 25 per cent for working space in case of 2.	3.519 mills
4. Per car foot mile—Present	
Proposed	4,252 mills
Per car mile-60-foot cars-Present	21.11 cents
Proposed	29.07 cents

These statements are prepared upon the same basis and are submitted in support of an argument that the same principles as to earnings applicable to express cars should be applied to baggage cars and the milk traffic therein. Mr. Flintoft refers in this connection to the judgment in the Railway Mail Rates and Express Rates Case, and argues that traffic carried in baggage cars should be paid for and be treated in all respects as regards car mileage earnings as that carried by express car. I have referred to any emphasized the fact that the general well known principles of rate matter do not, by reason of the special circumstances and the nature of the special reciprocal arrangement under which this traffic is carried, apply to the tariffs proposed and, consideration of the argument advanced is not, therefore, necessary to the conclusion I have arrived at. I would, however, observe that, in so far as, in the special circumstances reviewed as regards this traffic it is necessary to deal with that contention, it would appear, as a primary difficulty, that this is not express traffic.

The contention that a baggage car, utilized for this special purpose is to be treated as in the same class as a mail or express car, in my opinion need not be passed upon here.

The railways gave no particulars as to the increased cost at the hearing. They referred only to the increased cost of operation generally, and, as incident to that, and without giving particulars thereof, to the alleged general factors tending to increase cost. I have dealt with these general factors, and am without data, figures, or particulars to deal further with any other question of increased cost applicable to this traffic. After the hearing, and by letter, dated September 13 last, the railways were notified that the Board considered that the proposed increase in rates indicated in tariffs filed, and hold under suspension, had not been so clearly and sufficiently supported and intrified a to we grant any other order being made except for continuance of suspension of the tariffs. That the Board considered that the railways had not distinged the conserved upon them of showing the necessity for increased rates or non-mall mass of fariff; and the railways were required to submit and serve upon the opposite parties, statements of the traffic, showing, inter alia:—

"3. The extent, nature and particulars of any factors alleged to have contributed to the increased cost of the traffic, and necessitating and alleged to justify, the increase in rates."

Detected one general feature as have been put forward and which have been dealt with in the too going pages, no particulars of the specific increased cost are forthcoming result of the Beard's direction. Having disposed of what has been put for it. Book justification of the tariffs, I am of opinion that the railways have not dispose in the cases imposed won them of justifying the tariffs as to the reasonal mess of the increases (sled, or with respect to the specific traffic, as to the necessity for such increased revenue as is asked.

To become make mode by Mr. Scott, counsel for the National Dairy Council, at the hearing, and subsequently, to the New England rates for milk carriage, and to

the effect of the decisions of the Interstate Commerce Commission, in Milk and Cream Investigation (Case No. 8588) I.C.C.R. 40, p. 699; Hood v. Delaware & Hudson Co. (Case No. 765) I.C.C.R. 43, p. 375.

In the conclusion I have come to, it is not necessary to do more than to point out that the traffic mentioned is carried under lesser rates and with more service by the railways than is the Canadian traffic. Mr. Marshall filed a statement of these rates, which I quote to the extent of 150 miles.

### RATES ON MILK

COMPARISON of Present and Proposed Canadian Rates per 8 Imperial Galion Can with present "New England" Scale of Rates per 40 Wine Quarts (83 Imperial Gallon) Can.

Miles	Present	Proposed	
Not over	Canadian	Canadian	New England
	Cts.	Cts.	Cts.
10	15	17	11.4
20	1.5	18	11.4
30	15	19	13.9
	15	2:0	13.9
40	20	21	16.1
50	20	22	16.1
60		23	18
70	2.0		18.
80	20	24	20.0
90	20	25	19.7
100	2:0	26	19.7
110	2:0	2.7	21.3
120	20	28	21.3
	20	2:9	22.8
130	2.0	3.0	22.8
140	20	31	24.2
150	20	0.7	

It will be noted that these rates include leat in winter and refrigeration in summer and return of empty containers, services not performed by the Canadian railways, and all involving a large percentage of the cost of carriage. About S0 per cent of the Canadian milk traffic moves from 0 to 80 miles; 93 per cent up to 100 miles. Comparison of the rates, with consideration of the extra, and valuable, service by the American roads, to conserve this important food in the best condition for consumption by the consumer, will indicate the barren nature of the service proposed to be given in Canada at a higher rate of carriage. It is true that these rates have temporarily, been increased by 25 per cent, but, with that increase, they are low'er than the Canadian proposed rates, plus the valuable service mentioned. The volume of the traffic carried is said to justify the low rates. The same argument, viz: the steady increase of traffic in Canada upon the present rates, would serve to refute the necessity for any increase in Canadian rates.

The milk traffic did not participate in any of the general rate increases. No application was made with respect to it. If the arguments advanced at the hearing, and subsequently, with regard to the largely increased cost of the traffic in common with and upon the same basis as all other traffic, had been applicable to this special reciprocal arrangement, there would have been no good reason why this traffic should not have been dealt with on that application. But I am of opinion that it was not so dealt with by the railways because it was regarded as a special feature of traffic, built, as counsel for the railway admits, upon a special reciprocal arrangement, and so maintained, not carried on freight trains, or by express, and not being entitled, from its nature, to share in the increase granted such general traffic upon the basis of advances in cost of carriage and operating generally.

Reference has been made by counsel for the railways to the judgment of Sir Henry Drayton, when Chief Commissioner of this Board, in the Express Rates Case (July 17, 1919). I refer to the disposition of commodity rates particularly cream, by the judgment, and quote the following from page 164:—

"I am ready to admit that the value of all commodities has been very greatly increased since commodity rates first came in, and that one of the elements in rate making relates to the value of the commodity carried and to the increased risk undertaken. As against the shippers and vendors of these articles of daily necessity, there is no difficulty in the express companies justifying a reasonable increase. I do not think, however, that the matter ought to be so considered at the moment. The companies will obtain a fair measure of increase in their first class and second-class rates. That increase, it is hoped, will prove sufficient to properly maintain the companies and the business; but whatever increase is placed on these commodities would form a reason, (a comparatively small one it is true in most instances, but still a reason) for further increases in the charge made to the consumer. In the past experience it would appear that the increase in charge to the consumer would be much greater than the increased cost per pound or per pint of the commodity. The case of giving is still mounting. As I see it, it is not to the public interest, and not in the interests of the express companies themselves, to afford the excuse tint a raise in the price of transportation of these essential commodities would give for still higher charges against the public. Over and above the essential interest of the consumer, a further and very real ground for withholding increases in these commodity rates, unless it proves to be absolutely necessary, his in the position of the producer. The commodity rates are the producer's rates. He produces in quantity and ships in bulk. On the pound unit of production, his resultant profit is small. His costs have greatly increased. I wanted dismiss the companies' applications, in so far as the commodity rates are concerned, entirely, subject to the right of the companies, should it be found impossible for them to make both ends meet, to renew the application. I have mentioned only the chief commodity rates, but would deal with all on the same basis."

The quotation is singularly applicable in relation to the present application. Where the late Chief Commissioner says: "The companies will obtain a fair measure of increase in their first and second class rates," the same might be said of the railways, relatively to their general increases. And the reference to the increase in producers costs are also pertinent here.

The zone feature of this traffic is deserving of consideration from shipper and carrier. At present there are but two zones, 0 to 40 miles; 40 to 150 miles. The proposed table covers the more extended zones mentioned. Mr. Scott for the National Dairy Channell, suggests 25-mile zones. It might be desirable for shippers and carriers to consider this feature, and possibly consideration of the analysis of the traffic may lead to some such improvement in this respect. This is a matter for consideration of shippers and carriers in case of the traffic generally. In my opinion there should be an order disallowing all the traffic in question.

Audigment of Commissioner Goodeve, dated February 12, 1920. Concurred in by Deputy Chief Commissioner Nantel.

I regret that I cannot concur fully in all the findings in the judgment of Mr. Commissioner Boyce.

My impression from the evidence is that owing to the largely increased cost of transportation generally, that this traffic should bear its fair proportion of that increase. I do not think, however, that this amount can be arrived at by an analysis of the statements of costs submitted by the railways.

As pointed out in Commissioner Boyce's judgment, this traffic is carried in a peculiar manner, and a portion of the costs that would be attributable to ordinary traile does not apply to this case.

The railways were asked to submit statements that would furnish the necessary data showing the increases that would apply to this particular traffic. They failed to do this. Without this information, and in view of that portion of the judgment dealing with Commodity Rates in the Express Rates Case, as quoted by Commissioner Boyce in his judgment, I agree that the tariffs should be disallowed.

BROADVIEW RATEPAYER'S ASSOCIATION, BURNABY, B.C., re BRITISH COLUMBIA ELECTRIC RAILWAY RATES

Judgment of Assistant Chief Commissioner McLean, dated December 23, 1919. Concurred in by Chief Commissioner Carvell and Commissioner Rutherford.

At the sittings of the Board in Vancouver on November 22, 1919, complaint was made of the rates, particularly those affecting Horne Payne and Crown Avenue stations. As expressed by Mr. Collier, one of the parties applicant—

"This has been argued before by the solicitor for the municipality, but the Ratepayer's Association instructed me to come and make a formal protest before this Board as to what we consider an exhorbitant increase that was granted the company on this line last June. Previous to that we had a fifty cent rate ticket in existence. I will mention Horne Payne and Crown Avenue stations. At Horne Payne the rate was 5 cents a ride, Crown avenue 6 cents, buying a book costing \$3. The new rate to Horne Payne is 7 cents, an increase of 2 cents; the new rate to Crown avenue is 9 cents, an increase of 50 per cent, which we consider is exhorbitant. The company in their statement listed the old rate on the basis of a ten-ride ticket, which in the case of Crown avenue would read  $7\frac{1}{2}$  or 75 cents for a ten-ride ticket. So far as we were concerned, using that station, the ten-ride ticket was practically non-existent, so that to us the old rate was 6 cents and the new rate is 9 cents."

The stopping-points particularly referred to are located on the Burnaby Lake line, of the British Columbia Electric Railway. The Burnaby Lake line, in terms of its charter, is the Vancouver, Fraser Valley and Southern.

The application of the British Columbia Electric Railway Company for increases in passenger rates on the line in question was dealt with by the Board in its judgment

of November 14, 1918.

In the increases for which sanction was asked were certain commutation rates. The rates herein involved fall in this class. The following detail sets out the former rate and the rate for which sanction was asked:—

### COMMUTATION RATES

### VANCOUVER, FRASER VALLEY AND SOUTHERN RAILWAY COMPANY

Between Vancouver and New Westminster · 10-ride adult 10-ride adult New rate Old rate Mls. New rate Old rate Miles \$1.50 \$1.25 9.8 \$0.70 \$0.50 4.9 Horne Payne ..... 1.50 1.25 9.2 0.905.5 Crown Avenue .. .. ..

The figures as to earnings and expenses were carefully analyzed at the time, and the conclusion was unescapable that the various increases involved were justified; and, accordingly, a sanction which covered the rates herein complained of was given.

At the hearing in Vancouver, additional information as to this condition of the line

was submitted by the railway.

Intimation was given at the hearing by the Chief Commissioner that on the showing made it was improbable that the line could carry on on lower rates.

While it cannot be said that there was much, if anything new in the way of evidence as showing that lower rate basis was justifiable at the present on the line in question, the treent submissions as to the effect of the rate increases has caused the matter to stand for further consideration. Further consideration, however, in view of the fact that no change for the better in the condition of the line in question has been shown as compared with the date when the original judgment was given simply emphasizes the fact that the increases allowed are still justifiable.

I'NITED GRAIN GROWERS, LIMITED, WINNIPEG, MAN., TO COMPENSATION FOR LOSS ON CAR OF GRAIN, CANADIAN NATIONAL RAILWAYS

This was a complaint of the United Grain Growers, Limited, of Winnipeg, Man., setting forth that the Canadian National Railways had refused compensation for an armonal by dolly to the Thunder Bay Elevator at Port Arthur instead of to Paterson's Elevator, as directed in connection with car C.N. 44458, grain ex Deepdale, December 5, 1918, consigned to the United Grain Growers, Limited, Port Arthur, car of C.N.R. Terminal Elevator.

The complainants claimed that they suffered a loss of 6 cents per bushel on 1,083 bushels, total \$64.98. The following were the points on which their contention turned:—

- (1) It is alleged that the railway company did not carry out instructions for placing cars and that it should, therefore, be held responsible and pay for its mistakes, as it is unfair that the farmer should be the one to suffer for the railway's negligence.
- (2) It is contended that section 8 of the Grain Bill of Lading is not a defence for the railway on the facts herein involved.
- (3) It is alleged that the railway company received the necessary switching instructions in ample time, but through the railway's error caused by its own "culpable negligence," delivered the cars otherwise than ordered by the applicant.
- (4) It is contended that instead of the movement concerned being a diversion it really came under the switching arrangement.
- (5) Application is made that instruction be issued to the Canadian Northern Railway to refund the amount involved.
- (6) It is stated that if the Board has no power to direct such a refund by the railway then it is asked that the Board should rule whether or not the matter should have been properly classed as a diversion or a switching arrangement.

The milway compare's statement set forth its contention as to legal obligations. It is also that the lead had no power under the Railway Act, to direct refunds, and that the application as presented was, in effect, one asking for a ruling that the allway conveny had been negligent; that was to say, the Board was being asked to assume the dalulity of the railway. It was further noted that as had frequently be a pointed in a superior of the Board while very general in their scope, must be half at the sound within the four corners of the Railway Act, and it has also been notion and in many rulings of the Board, that no jurisdiction is given it to deal attains an damage claims. It was further pointed out that the Board has no attaining to pass upon the question of liability either as bearing upon the matter of loss or damage in as bearing upon a bare statement of liability which may or may that he used as a losis for further action; that the remedy where the matter of loss or damage is concerned, must, if the parties are unable to satisfactorily adjust it, be sought by action in a court of competent jurisdiction. Consequently, the Bard had no power to grant the relief asked for.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated January 12, 1920, concurred in by Chief Commissioner Carvell and Mr. Commissioner Rutherford, 26, Can. Rv. Cas., 26.

GRAND RIVER RAILWAY COMPANY. DIVERSION LINE, TOWNSHIP OF WATERLOO AND CITY OF KITCHENER, ONT.

This was an application of the Grand Trunk Railway Company for approval of a location plan filed with this Board, the object being to divert the location of a portion of their railway through the city of Kitchener, and was heard by the Board at Hamilton on the 29th day of October last, at which the city of Kitchener and the Hydro-Electric Commission of Ontario were represented by counsel as well as the applicants.

It appeared that the applicant company was the successor to the Berlin, Waterloo and Lake Huron Company, which was an amalgamation of two other companies created by legislation of the province of Ontario, and which by the provisions of C. 85 of the Statutes of Canada, 1919, became entirely under the jurisdiction of this Board, and that the Board was the only tribunal having the authority to approve or

dismiss the application.

At the hearing of the application, it appeared that the opposition came from the Hydro-Electric Commission, rather than from the city of Kitchener, the contention being that the Hydro-Electric Commission had a prior location by reason of a general scheme entered into as far back as 1916 for building an electric railway from Toronto to London; that the Hydro-Electric Commission by reason of this general scheme, contend that they had a prior location over Cedar Grove avenue, which instead of running along the general line north of the Grand Trunk, runs directly from the Grand Trunk north to King street.

The facts are fully set out in the judgment of Chief Commissioner Carvell, dated January 17, 1920, concurred in by Mr. Commissioner Boyce, holding that it was unnecessary to enter into the question at present as to what amounts to priority in location, and that the Hydro-Election Commission had done nothing to prepare the plan referred to, whereas the applicant company actually had on the ground, the rails and ties, and was awaiting permission of the Board to commence construction, and that, therefore, the application should be granted subject to all the rights which the city of Kitchener possessed as to protection of Cedar Grove avenue crossing, as well as all other public streets, which the right of way should cross in completing proposed diversion.

CONSOLIDATED GAS, ELECTRIC LIGHT AND POWER COMPANY OF BALTIMORE, MD., TO RATES ON BOG IRON ORE.

Judgment of Assistant Chief Commissioner McLean, dated January 19, 1920. Concurred in by Deputy Chief Commissioner Nantel and Commissioners Goodeve and Rutherford. 26, Can. Ry. Cas., 11.

Application was made in the following terms:-

"The Consolidated Gas, Electric Light and Power Company of Baltimore, State of Maryland, United States of America, hereby applies to the Board for an order and reparation under sections 317-318 of the Railway Act in conformity with the facts hereinafter set forth.

"The complaint of the above named complainant respectfully shows:-

"1. THAT the Consolidated Gas, Electric Light and Power Company of Baltimore is a corporation incorporated under the laws of the State of Maryland, United States of America, and said corporation is engaged in the manufacture, distribution and sale of gas and electricity for illuminating, power and heating purposes.

"2. THAT the defendants above named are common carriers engaged in the transportation of passengers and property, wholly by railroad, between points in the Dominion of Canada and points in the United States of America.

"3. THAT the above named complainant uses approximately six thousand tons of bog iron ore annually in connection with the purification of gas, and that for the past two years said ore has been obtained from Point du Lac, province of Quebec, Dominion of Canada.

"4. THAT pursuant to complainant's application, the Canadian Pacific Railway Company, connecting lines concurring, published, effective February 4, 1918, in Supplement number fifteen, Canadian Pacific Railway Company tariff E. 2946, C.R.C. E 3281, I.C.C. E. 1939, commodity rate of 20 cents per 100 pounds applying on bog iron ore, in carloads, minimum weight 60,000 pounds, from Three Rivers, province of Quebec, Dominion of Canada, to Baltimore, State of Maryland, United States of America, for routing via Canadian Pacific Railway Company to Prescott, Ontario, thence via Canadian Pacific Car and Passenger Transfer Company to Ogdensburg, New York, thence via New York Central Railroad to Newberry Junction, Pennsylvania, thence via Baltimore and Ohio Railroad to Baltimore, Maryland. By virtue of the intermediate clause in the tariff said rate was applicable on bog iron ore from Point du Lac, Quebec, to Baltimore, Maryland. Said rate was re-published in Canadian Pacitic Railway Company tariff E 3183, C.R.C. E 3495, I.C.C. E 2028 applicable on bog iron ore from Red Hill, Quebec, to Baltimore, Maryland, applying via the same route subject to the intermediate clause in the tariff permitting application of said rate on bog iron ore from Three Rivers and Point du Lac, Quebec, to Baltimore, Maryland. Last named tariff is still in effect.

"5. THAT, effective June 25, 1918, the Board of Railway Commissioners for Canada, by Special Permission Number 76, authorized Canadian railroads to increase freight rates from points in the Dominion of Canada to points in the United States to the same extent as those in the reverse direction ordered by the McAdoo Award known as the United States Railroad Administration General Order Number 28. Said orders provided a specific increase of 30 cents per net ton on iron ore. Rates on other commodities not specifically provided for were increased 25 per centum.

"6. THAT notwithstanding the fact that the said orders provided a specific increase of 30 cents per net ton on iron ores, the defendants did not apply such increase of 30 cents per net ton on bog iron ore, but illegally and unjustly have applied the general increase of 25 per centum, thereby making the present rate 25 cents per 100 pounds from Red Hill, Quebec, to Baltimore, Maryland, instead of 21½ cents per 100 pounds, as authorized by the said United States General Order Number 28 and Canadian Special Permission Number 76. Said increase of 25 per centum was published in Special Supplement Number 1 to Canadian Pacific Railway Company's Tariff E 3183, C.R.C. E 3495 I.C.C. E 2028.

act the pretension that beg iron ore is not an iron ore and that it is not used as iron ore.

"8. THAT, in fact, bog iron ore is an iron ore contemplated in the increase of rates on iron ores provided for by the aforementioned Special Permission Number 76 and General Order Number 28, wherein iron ores are referred to in the plural.

"9. THAT bog iron ore is a variety of iron ore called limonite and limonite is the commonest form of iron ore. (See Geological Survey of Canada, 1909, page 94; Butler's Hand Book of Minerals, page 102; Proceedings of the Canadian Mining Institution, 1912, at page 241).

"10. THAT the ultimate use to which a product is put is not a matter which would justify the carrier in making a tariff contrary to the order of the Board.

"11. THAT the carrier has no interest in the uses to which commodities transported by it shall be put in order to enjoy a transportation rate.

"12. THAT since June 25, 1918, 14,203,986 pounds of bog iron ore have been shipped to complainant from Point du Lac, Quebec, on which complainant has been compelled to pay, and has paid under protest, freight charges, based on the rate of 25 cents per 100 pounds, and by reason of the application of the said rate of 25 cents per 100 pounds instead of the rate of 213 cents per 100 pounds, complainant has suffered loss and damage to the extent of \$4,971.39.

"13. That complainant will in future require further large shipments of bog iron ore from Point du Lac and other points in the province of Quebec.

"14. That by reason of the facts hereinabove alleged, complainant has been subjected to the payment of rates for transportation which were when exacted, and still are, unjustly discriminatory in violation of Sections 317-318 of the Canadian Railway Act.

"Wherefore complainant prays that an Order do issue restraining the defendants from exacting the said rate of 25 cents per 100 pounds on bog iron ore from Point du Lac, Quebec, and other points to which the said rate now applies, to Baltimore, Maryland, and requiring them to substitute therefor the legal and authorized rate of 212 cents per 100 pounds for the said commodity between the said points."

At the hearing, counsel for the applicant said the application was for an interpretation of the McAdoo Order on bog iron ore. It was set out that the Board's Special Permission No. 76 made provision that the order was to be reciprocal. The contention of the applicant was that his commodity came under the list of commodities enumerated in the McAdoo Order. It was pointed out that on page 6, section 2, of that order, it was provided that certain articles should be increased by the amount set opposite each. Reference was made to the fact that there was provision for 30 cents per net ton of 2,000 pounds on iron ores. It was set out that bog iron ore shipped from points near Three Rivers to Baltimore was concerned in the present application. The contention was made that this commodity should have been included under iron ores, thus being subject to an increase of 30 cents per net ton, while as a matter of fact it had been put under the general increase of 25 per cent, which had the effect of increasing the rate from 20 cents per 100 pounds to 25 cents.

The contention of the railway was that bog iron ore was carried as a special

item entirely distinct from ordinary iron ore.

The question was raised as to the bog iron ore being used for different purposes than those arising in connection with iron ores as ordinarily referred to. The railway pointed out that there was a difference in use. The answer made by counsel for applicant was that the ultimate use to which the article is put is not a matter of concern to the railway.

Representation was made by counsel for the Canadian Pacific that the rate as charged was in accordance with the practice as approved and the interpretation as given by the United States Railroad Administration. The following excerpt from the evidence is pertinent:-

"Mr. FLINTOFT: When the matter arose in the summer of 1918, Mr. Macdonnell had our attorney at Washington communicate with the United States Railroad Administration, drawing attention to the fact that the rates on iron pyrites had been advanced the full 25 per cent, and that we had a deposit of bog iron ore on our rails that was moving to Baltimore, and asked him to

enquire from the United States Railroad Administration as to whether it should be treated as an iron ore under the general item, or whether it should be treated specially and subjected to the 25 per cent advance. The reply was, having submitted the matter to the Railroad Administration, they advised him that his understanding of the rates was correct, and that has been confirmed by more recent communications with Mr. Campbell of the Eastern Freight Traffic Committee of the United States Railroad Administration, in reply to enquire a from Mr. Ransom who contirmed the understanding that this should be treated separately from the ordinary iron ore for smelting purposes."

It was further stated by counsel for the Canadian Pacific Railway Company that this railway was in the unfortunate situation that the United States Railroad Administration made the rates, and that this organization in interpreting its own action refused to join in anything less than a 25 per cent advance.

In the course of the hearing, at pp. 8406, 8407, the following remarks were made by the Chief Commissioner:—

"The CHIEF COMMISSIONER: . . . On the face of it, one would think this complaint ought to be given effect to. But the underlying and the real intent of the order was, as the complainant states, to adopt absolutely in Canada the advances the railways obtained, as nearly as might be, under the McAdoo Orde.

"We have not before us tariffs one way or the other which would show whether Mr. McAdoo, in interpreting his own order (and he is the man who should interpret it) treats bog iron ore in the same way as ordinary iron ore, or whether he thinks the definition "bog" as against ordinary iron is such a distinction as should remove it from the iron ore clauses or not. Apparently bog iron has taken a higher classification than ordinary iron. On the other hand, there are lots of ores—and it well may be that the use of the word "iron" by Mr. McAdoo in his order was for the purpose of covering all iron ore movements, never mind what their classification might be, whether pyrites, bog iron, oxide of iron or anything else.

"If this case turns entirely upon the question of the American tariffs, as no tariff has been filed here, the Board will have to find out for itself what tariffs have been filed in American territory.

Apart from such action on the part of the American authorities, I would have said the complaint is well founded."

Since the hearing, written submissions have been made by the parties bearing on the interpretation of the provisions of the McAdoo Order as affecting the commodity in question. As showing the contradictory nature of what has been submitted, reference may be usale to the following extract from a communication from applicant's solicitors:—

"After exhaustive inquiry, we have been unable to find any American decision on the point raised at the argument.

"We are instructed that Mr. Williams, the assistant secretary of the Eastern Traffic Cimmittee of New York, advised the manager of the Consolidated Company's Traffic Department that the committee was of the opinion that the Consolidated Company's contention was sound and that bog iron ore smalld only be subjected to the 30 cents per ton increase but it was the practice of the Committee to follow the decision of the Canadian authorities on traffic originating in Canada."

Apparently there has been some misunderstanding as to the position taken by the Mr. Williams referred to in the preceding extract, for the following letter is filed with the Board:—

CANADIAN FREIGHT ASSOCIATION

Montreal, Que., August 7, 1918.

File No. 1128.

Mr. H. E. MACDONNELL, A.F.T.M.,

C.P.R., Montreal DEAR SIR,—

Bog Iron Ore-Canada to U.S. Points

"In reference to our conversation at meeting on the 5th. Attached hereto you will find copy of letter from Mr. Ziegler, Traffic Manager of the Consolidated Gas, Electric Light and Power Company of Baltimore, dated July 23, addressed to Mr. Campbell of the Eastern Freight Traffic Committee. For your information I quote from Mr. Campbell's letter of July 28, in connection therewith:

'In letter of July 23, the statement that the writer had intimated that our Committee was convinced that their contentions were sound and well

founded, is incorrect. No such intimation was made."

Yours truly,

G. C. RANSOM, Chairman.

"Further, as bearing on the contradictory statements submitted, the submission of the Canadian Pacific Railway Company is as follows:—

"I find that on the request of our Mr. H. E. Macdonnell, Mr. George F. Snyder, our Attorney at Washington, has made enquiry of the Railroad Administration as to its interpretation of General Order No. 28, and for the Board's information I enclose copies of the correspondence which has taken place.

"As to the nature of the commodity, the following extract from a letter from Mr. Ben Campbell, Chairman of the Eastern Freight Traffic Committee of the Federal Controlled Lines, New York, to Mr. Ransom of the Canadian

Freight Association of July 2, 1919, will be of interest:

'Bog Iron Ore, although called an ore, is, in fact, not an ore. It is called an ore for the reason that it has a very slight available metallic content. It is principally obtained from the hills in Canada, from which it is shovelled up and is used almost exclusively as a gas purifying agent. It can, however, be refined to make a mineral paint. This paint is, however, of a very low grade.

From the above, it would appear that Bog Iron Ore does not compete with the ores which are reduced for their metallic content, and it would also appear that Bog Iron Ore is of somewhat lower value than ores which

are used for their metallic content.

"That the United States Railroad Administration does make a distinction between iron ores used for smelting purposes and those used for other purposes is clear from the fact that the rate for iron pyrites, which is a well known iron ore, was increased 25 per cent and not 30 cents per ton. I enclose a copy of the tariff giving effect to this increase (I.C.C., N.Y.C. No. 9440) and of the cancelled tariff (I.C.C., N.Y.C., No. 7023).

"Seeing that the United States Railroad Administration has given an interpretation of the Order confirming this company's attitude, the matter

should now be beyond doubt."

The letter as above set out is in reply to and comment on a copy of the letter of the Secretary of the Interstate Commerce Commission, to which reference is made below.

Prior to the correspondence from the Canadian Pacific Railway Company, as above set out, the Board, with a view to obtaining exact information on the contentious question involved, under date of July 10, 1919, sent the following letter to the secretary of the Interstate Commerce Commission:—

"General Order No. 28 of the Director General, U.S.R.R. Administration, increased the rates on iron ores (note the plural) by 30 cents per net ton. Social Permission No. 76 of this commission followed authorizing the application of the increases of the McAdoo Order on international traffic in the reverse direction from Canada.

"Bog iron ore is shipped in considerable quantities from the province of Quelon: United States destinations, and the carriers on this side have given effect to their interpretation of the order by increasing the bog iron ore rates by 25 per cent, and complaint having been made, the contention is advanced by the carriers that the specific increase of 30 cents per ton was intended by the order to apply only to ores for smelting, the bog variety being used for other purposes.

"Will you be good enough to inform me whether the question has come before your Commission, or has arisen in another way, and, if so, what decision has been made? Will you also inform me whether bog iron ore rates between points in the United States, filed with your Commission, carry the general advance of 25 per cent, or the specific advance of 30 cents per net ton? The Board's information is that bog iron ore deposits are being worked in your country, and understands that the material moves particularly from some of the southern States."

A reply was duly received, the material points of which are as follows:-

(a) That as the question involved an interpretation of an order of the Director General, it would be more appropriate for the Railroad Administration to interpret the order, at least as a primary matter.

On That, generally speaking, the tariffs published by carriers in the United States do not specificially name rates on bog iron.

that box inn. is properly classified as brown ore, commonly known as limonite.

(d) It was stated that advice was given to the commission by a member of the Traffic Scotion of the Railroad Administration that it was not aware of any tariffs which limited the increase of 30 cents per ton on iron ore to ores for smelting purposes only, and that, in terms of this information, the rates on iron ore were apparently increased by Order No. 28 to 30 cents per ton, without regard to the use of the ore.

Under date of August 23, 1919, the Board received the following letter from applicant's solicitors:—

"With further reference to the above matter, we are instructed that the United States Railroad Administration follows the decision of the Canadian authorities in applying rates on shipments to points in the United States, which originate in Canada. They will therefore apply either the general increase of 25 per cent or the specific increase of 30 cents per ton to the rate on beginned on the canadian authorities. The Canadian Freight Association states that it is not prepared to take any action in the matter pending the disposition of it by the Board.

"The writer understood at the hearing that the Board would issue the order prayed for, i.e., that bog iron ore be subjected to the rate increase on other iron ore, which is 30 cents per net ton unless the United States Railroad Administration had previously decided otherwise."

The understanding of the writer, as set out, that the rate was to be 30 cents per net ton, unless the United States Railroad Administration had previously decided otherwise, was not in strict accordance with the discussion which took place. By reference to the interim judgment, set out in an earlier connection, the matter stood until the Board was satisfied as to what had in fact been the arrangement adopted under the United States tariffs on the same article.

In reply to this the applicant's solicitors were advised under date of September

11, 1919, as follows:-

"Referring to your letter of the 27th August, I am directed to state that at the hearing of this matter on the 8th of July last it was pointed out by the Chief Commissioner that there was involved the question of tariff practice by the United States Railroad Administration, and the construction by that administration of the question whether bog iron ore was properly given the same rate as iron ores or whether it was properly placed under another rate; and it was pointed out that it would be necessary to obtain information on this point. The Board took the matter up with the United States rate authorities, but the information so far received is not conclusive. Representations are before the Board both from the railway and the applicant as to the position taken by the United States Railroad Administration in the matter. The representations so filed are contradictory; and the Board is endeavouring to obtain a final and definite statement as to the practice and construction. The matter will be dealt with as soon as this is received."

In reply to a letter to the Director of the Division of Traffic of the United States Railroad Administration, setting out the same material as was contained in the letter to the Secretary of the Interstate Commerce Commission, the Board was advised, under date of September 26, by Mr. Chambers, the Director of the Divison of Traffic of the Railroad Administration, as follows:—

"I beg to advise that it was not our intent when issuing General Order 28 to apply the flat increase of 30 cents per ton to mineral products other than

the ores commonly used by furnaces for making iron.

"We have never made any definite ruling on this subject and are without information as to how the rates on bog iron ore or bog ore were advanced, but believe it is described in most of the tariffs as bog ore and that the rates were advanced 25 per cent.

Under date of October 6, applicant's solicitors asked for a resume of the contentions of the Canadian Pacific as to the position taken by the United States Railroad Administration in the matter. This was supplied.

Supplementary matter was submitted by the applicant's solicitors under date

of November 12, 1919.

As bearing on the definition of bog iron ore, a letter was submitted from the Acting Director of the United States Geological Survey, the material portion of which is as follows:—

"Bog ore is a form of brown iron ore, or hydrous iron oxide, and in the canvass of the Geological Survey for statistics of iron ore no attempt is made to secure data relating to bog ore except by the general class of brown ore.

It is, therefore, not possible to state the extent of the mining and use of bog iron ore. However, if it is found sufficiently pure it is usable as a source of iron.

"You are probably aware that a porous variety of limonite (brown iron ore, including bog ore) is used in the purification of illuminating gas."

As to the use of bog iron ore in smelting, a letter was submitted from Penniman & Brewne, Analytical and Consulting Chemists, Baltimore, which, after giving some information as to iron pyrites, sets out the following paragraph regarding bog iron ore:—

"Bog iron ore is the material used in charcoal furnaces on account of its freedom from objectionable impurities. In large operations, it is not used on account of the expense and difficulty in obtaining it in sufficient quantity and because it is too soft to stand the heavy burden of the modern large furnace using coke."

There were also submitted copies of various schedules of tariffs filed with the Interstate Commerce Commission, these being certified by the Secretary of the Interstate Commerce Commission, under the seal of said commission, to be true and correct extracts from the schedules.

In summary, these may be said to cover information as to five tariffs of the Louisville and Nashville, covering rates on brown ore on intrastate movements in Alabama. The originating points shown are Champion, Ida, Jenifer, Mountain Crook, Mount Pinson, and Fort Deposit; the destination points are Alabama City, Attalla, Birmingham, North Birmingham, and Thomas.

Extracts from the Southern Railway System mineral-ore tariffs are filed. The rates in question are both intrastate and interstate. The tariffs quote rates on iron ore, but I find no reference in the extracts as given to brown ore. Extracts from the tariffs of the Alabama Great Southern Railroad quoting rates on intrastate movements in Alabama are also filed. Here again, while rates on iron ore are given, I find no reference to brown ore.

There are also filled certain schedules which are signed by the Secretary of the Alabama Public Service Commission and certified under the seal of that commission as showing the C.L. rates in Alabama as specified in the exhibits. Rates on brown ore are shown between the same originating and destination points as are set out in connection with the Louisville and Nashville points above.

Defines of the tariff and horities concerned not having been supplied to the Cancellin Points Reilway Company by the applicant's solicitors, request was made to the Board by the Canadian Pacific Railway Company to have these furnished. This was done, the Board under date of November 28, 1919, writing as follows:—

"I have yours of the 19th instant and have made a copy of the extracts from the tariffs certified by the secretary, Interstate Commerce Commission, and the secretary of the Alchama Public Service Commission, which I enclose herewith, and which give the tariff authorities for the statement that bog iron ore is being listed in the tariffs of the railroads operating in the district of the United States where bog iron ore is mined as brown ore."

Under date of January 9, 1920, the Canadian Pacific Railway Company replied as follows:—

"Referring to yours of the 31st ultimo.

"I have now had the tariffs which you sent me checked over. Where iron ore is mentioned, there is, of course, nothing further to be said with regard to

the increase of 30 cents per ton, which, it is acknowledged, is the increase authorized on that commodity by the U.S.R.A. General Order No. 28.

"Wherever in these tariffs brown ore is mentioned, the increase is also 30 cents per ton, and the question is, therefore, whether this "brown ore" is the same as what we described as "bog iron ore" shipped from Point du Lac or Red Mill, Quebec, to Baltimore, Maryland. Our officials have enquired of the traffic officials of the Southern Railway at Birmingham, and are advised that the iron ore described as brown ore in these tariffs moving to Alabama, Tennessee and Kentucky smelting points is a smelting ore pure and simple and is not used for any other purpose, and the traffic officials of the Louisville and Nashville Railway state that no such commodity as bog ore is known in their territory. It is at the same time well known that bog iron ore from Point du Lac or Red Mill is shipped to various destinations in the United States, not for smelting purposes, but for purifying purposes, and in some cases both to United States points and to Canadian points for paint making purposes.

"As regards Mr. Mathewson's statement in paragraph 5 of his letter to you of the 12th November, that bog iron ore is used extensively for smelting purposes at Three Rivers among other places, our investigation shows that not one ton of Red Mill or Point du Lac ore is shipped to Three Rivers for smelting purposes, nor can we trace any such shipments having been made for years, our enquiries having gone back as far as twelve years ago.

"I wish to add that we have checked up shipments of crude bog iron ore moving to the United States points from January 1 to July 7 of this year, and find that, to the following points, carloads, as enumerated, have been shipped under the regular sixth class rates without our having received a complaint, which sixth class rates had been increased automatically 25 per cent under U.S.R.A. General Order No. 28:—

To	No. of Car
Philadelphia, Pa	1
Chester, Pa	6
Harbour Junction, R.I	3
Westfield, Mass	1
Soo, Mich	1
Augusta, Me	1
Weber, Ill	2
DeKalb, Ill	1
Washington, D.C	3
Milwaukee, Wis	1

During the same period ten cars had been shipped to Baltimore, Md.

"Furthermore, in order to stimulate shipments of bog ore to United States points for purifying purposes, we, in some cases, applied to our American connections to be allowed to adopt on this class of business 83.33 per cent of the sixth class rate, and this they consented to in the case of shipments to Baltimore and five other points. (See Item 265 C.P.R. Tariff E-3183, C.R.C. 3495, page 28). It is, therefore, quite obvious that in order to maintain the relationship the present rate should be \$3.33 per cent of the present sixth class, which naturally and automatically was advanced the full 25 per cent according to General Order No. 28. If, at the present time, an application were made for a reduced rate for any reason whatever, our American connections would not consent to anything lower than 83.33 per cent of the present sixth class rate.

"In conclusion, I would repeat that we cannot find any bog iron ore moving between points in the United States under commodity rates. If there is a movement between such points, it would be only under the proper class rates advanced 25 per cent.

"As I have already stated to the Board, the bog iron ore from Point du Lac and Red Mill is used for clarifying illuminating gas and may be used for

paint-making purposes, and is not a smelting ore at all.

"I submit that this is really the controlling consideration, and that on this ground the complaint should be dismissed.

Summarizing the material which has been set out at length, the following conclusions are available:—

(1) Apparently bog iron ore is not separately listed.

(2) Scientific authorities regard brown ore as being an inclusive term covering bog iron ore and other iron ores not specified.

(3) There is nothing before the Board showing conclusively that bog iron ore has actually moved under the brown ore rate.

- (4) Reference has been made to the bog iron ore as moving in the southern partions of the United States. The Southern Classification has no reference either to brown ore or to bog iron ore.
- (5) The informal understanding of the Secretary of the Interstate Commerce Commission, as already referred to, is that apparently the increase of 30 cents per ton was not dependent upon the uses of the ore.
- States Railroad Administration is that it was not the intention to have the increase of 30 cents per ton apply on mineral products other than to ores commonly used by furnaces for making iron; and there is, further, an expression of understanding that the rates on bog ore were advanced 25 per cent.
- (7) The supplementary submissions of applicant's solicitors do not show that bog iron ore has moved or is moving in the United States on the brown ore rates.
- (8) As set out in the letter of the Canadian Pacific, the responsible traffic officials of the railroads concerned set out, in the one case, that the brown ore referred to is a smelting ore, pure and simple, and is not used for any other purpose (in this connection the statement of Penniman & Browne, already referred to, may be bonne in mind); and, in the other case, that no such commodity as bog ore is known in their territory.

In accordance with the position set out in the interim judgment, a full endeavour has been made to ascertain the intention as embodied in tariffs. The Board has received much information which is so contradictory that it is not possible to form a conclusion as to what the real intention was. The obtaining of further written subtiles its would, appropriately, only add to the mass of contradictory statements which has accumulated.

In a matter of international rates, the jurisdiction of the Board begins at the international boundary on the movement into Canada and ends there on the movement out of Canada. This is a well-established proposition.

Continental, Prairie and Winnipeg Oil Cos., v. Canadian Pacific Ry. Co., et al, 13 Can. Ry. Cas., 156, at p. 161.

Esser Terminal R. Co. v. G.T., M.C., Wabash & New York Central Ry. Cos., 22 Can. Ry. Cas., 301, at p. 305.

At the same time, "as a matter of practice, the Board in the past has dealt with international joint tariffs having regard to the outward movement only, and, speaking generally, has not interfered in any way with any tariff properly filed under American

practice applying to the joint movement into Canada. The result is that a situation which otherwise might have presented difficulties has worked out along satisfactory lines and without friction." Essex Terminal Ry. Co., etc., ut supra, p. 304.

The Interstate Commerce Commission in I. & S. Docket No. 1155, Heated Car Service Regulations, 50 I.C.C., 620, made reference in the examiner's report as to the United States jurisdiction terminating at the international boundary, and he so held in the matter involved. Reference may be made to Black Horse Tobacco v. I.C.R. Co., 17 I.C.C. 588; Ernery & Co. v. B. & M.R.R., 38 I.C.C., 636. In dealing with the question of international rate practice, Commissioner Harlan, who wrote the judgment which was accepted by the commission, said at p. 622:—

"For some years joint through rates from Canadian points to interior domestic points have been regarded as being within the general control of the Canadian Commission, while joint rates from domestic points to interior Canadian points are left under the general control of this Commission. The origin and scope of this understanding between the two commissions is explained in "International Paper Co. v. D. & H. Co., 33 I.C.C., 270. It is also referred to in Rates on High Explosives to G.T. Ry. System Stations, 33 I.C.C., 567, and was followed in Aetna Powder Co. v. Wabash R.R. Co., 39 I.C.C., 199. It has proved to be an efficient working arrangement and will not be departed from by this commission on light grounds, although we have felt it necessary to point out that our jurisdiction extends to the service of our domestic lines performed within the United States and to the charges therefor, and that where circumstances seem to make such a course necessary we would require the domestic carrier to withdraw from participation in joint through rates to and from Canadian interior points and to establish a local or proportional rate to and from the border."

It will be noted that while in agreeing in the practice, the Interstate Commerce Commission in no way recedes from the position that as a matter of jurisdiction its power to regulate the United States' portion of the rate is absolute; and it has, in fact, from time to time so acted notwithstanding the informal modus vivendi above referred to.

The distance from Red Mill, where the shipment originates, to Baltimore is 651 miles. The movement is over the Canadian Pacific and three American lines—the N.Y.C., P. & R., and B. & C. The haul on the Canadian Pacific is 34.5 per cent of the total mileage involved.

The jurisdiction of the Interstate Commerce Commission over the haul within the United States is undoubted. What is involved is the determination of the meaning and application of a United States tariff basis, which, as a matter of reciprocity, has been made applicable on the movement from Canada to the United States. The preponderance of United States mileage is such, on the movement in question, that the United States railways interested in two-thirds of the mileage movement are concerned in the question of what is the proper scope and intent of the tariff basis concerned.

I am of the opinion that the applicants should be referred to the United States jurisdiction for their appropriate finding and remedy within that jurisdiction. Thereafter, the matter as affecting the Canadian Pacific, may, if any further action by way of finding any remedy is necessary, be developed before this Board on written submissions. If such further application should be made, the submissions, if any, so made, will be considered in connection with the existing record.

CANADIAN MATTIACTURERS ASSOCIATION RE AVERAGE DEMURRAGE AS EXTENSION TO CANADIAN

CAR SERVICE RULES

Judament of Assistant Chief Commissioner McLean, dated January 26, 1920. Concertain by Chief Commissioner Carvell, and Commissioners Boyce, Goodeve and Rutherford. 25, Can. Ry. Cas., 386.

Ι

Application is made for average demurrage. More specifically it is set out that the demurrage on all cars held for loading or unloading shall be computed on the basis. The contract detention to all cars released during each calender month. The method of computation outlined is that a credit of one day shall be allowed for each car released within the first twenty-four hours of free time. A debit of one day shall be charged for each twenty-four hours, or fraction thereof, that a car is detained beyond the first forty-eight hours of free time. Not more than one day's credit is to be allowed on any one car, and in no case is more than five days' credit to be applied in cancellation of debits accruing on any one car, thus making a maximum of seven days, including Sundays and holidays, that any car may be held free.

At the end of the calendar month, the total number of days credited will be deducted from the total number of days debited, and the demurrage charge per day charged on the remainder. If the credits equal or exceed the debits, no charge is to be made for the detention of the cars, and no payment is to be made to the consignor or consignee in respect of such excess of credits. Credits in excess of diagrams are not to be considered in computing the average detention for another month.

Those taking advantage of the average plan are to forego the advantages of the weather and of the bunching rules.

A consignor or consignee taking advantage of the average plan may be required to give sufficient security to the carrier for the payment of balances due by him at the end of each month.

The question was also gone into in connection with the amendment of the Canadian Car Denurrage Rules which was made on July 28, 1917, effective by order on August 20, 1917. In the decision in that case, reference was made to the various submissions bearing upon average demurrage, and it was stated in the judgment that the 12 rd would undeavour to ascertain whether average demurrage had worked a real benefit in places where it had been tried, it being at the same time stated that from the best information had at the previous hearings the contrary was the case.

# In re Car Demurrage Rules, 24 Can. Ry. Cas., 180, at p. 196

Under date of June 16, 1919, on direction, a letter was issued by the Board setting out that in view of the many changes which have taken place in railway matters since the judgment on the Demurrage Rules, as above referred to, had issued, the Deam was prepared to arrange for a hearing, or hearings, if the parties interested desired to add to the record in the case.

The material received was concerned mostly with opinions on the principle may be a such in reneral, the opinion was expressed that the matter might stand for decision on what had been submitted. In general, it does not appear that there is such additional material evidence available in regard to the workings of the system as would justify a further hearing.

The matter as presented may be subdivided into the following headings:-

Myether when the consignor or consignee unloads within the free time allowed by the Demurrage Rules, he has a right to apply the difference between the

free time allowed and the time actually taken as a credit on another car which is not loaded or unloaded within the free time.

(b) The advantage of such proposed system of credits as an incentive to quicker

loading or unloading.

(c) The general effect on car movements.

### II

As bearing on the question of right, which matter, it appears to me is fundamental, some detail references to the notes of hearing are necessary; and it may be pointed out in this connection that reference is also made to earlier applications of the Canadian Retail Coal Association of London, Ont., and the Wallaceburg Sugar Company.

In the Wallaceburg Sugar Company's Case, application was made as regards a particular commodity; in the case of the Canadian Retail Coal Association, the applica-

tion was also as to particular commodities, coal and coke.

The application of the Wallaceburg Sugar Company was not limited by the use of the adjective "optional." The application of the Canadian Retail Coal Association was. So is the present application as developed; but it does not appear that the adjective "optional" makes any vital difference.

In the application of the Canadian Retail Coal Association, Mr. Hay stated, at

p. 2922, volume 124;-

"... when they allow us 72 hours for unloading a car of coal they must of necessity in order to arrive at a proper business basis have figured on the detention of that car. That, I think, is a reasonable and fair proposition. Now then, when that car is placed on our siding we have 72 hours to unload it. We will probably unload the car within the first 24 hours. . . Inasmuch as we have already paid the railway company for the detention of that car for two days they have not given us any allowance for that dollar we have been fined on the other car" (that is the car held over the 72-hour period), "and that should stand over against the time that is to our credit."

In the same case, at p. 2959, Mr. Hay said: "We were applying for a principle we thing fair and that should be carried out."

At the hearing in Ottawa, the following discussion took place as bearing on the point in question, volume 179, pp. 4576-4578:—

"Commissioner McLean: Is it your position, Mr. Walsh, that a shipper has a right to hold a car for the free time?

"Mr. Walsh: Absolutely not. I have not held that opinion.

"Commissioner McLean: Then your position would be that it is the

reasonable maximum time allowed for unloading?

"Mr. Walsh: I have always held this position. I have advocated it in our paper and through circulars to our members, that 48 hours or 72 hours was the maximum time allowed, but it was not expected they should take that time to unload equipment. When they do that they are depriving themselves of a proper facility, and they are depriving somebody else. But we think it is a reasonable time to allow in case of emergency or of accident. I think it would be fair to say this, that the people I represent are not laying themselves out to delay cars or to take advantage of the free time; their purpose is to unload as quickly as they can and get the cars to load up again. As I say, and I want to repeat, our people realize that. Our manufacturers hold that cars are for the purpose of transporting freight from one point to another, that they are not for storage purposes, and we try to the best of our ability to unload as rapidly as possible. But we have got to have the conditions, they must be favourable.

"Commissioner McLean: Following that, if the free time simply represents the maximum reasonable time for unloading, is it quite fair to say that because a man unloads within that time that the portion of the time unused similable applied to another ear? That looks at is as a matter of right. He has a right to so much time within the two days. If he is able to unload a car, and have, say, one half or three-quarters of the day unused, what has that got to do with another car?

"Mr. Walsh: Simply because another car cannot be got at.

"Commissioner McLean: But if you say two days is a reasonable time for unloading does it not mean that each car should stand by itself?

"Mr. WALSH: If it could be worked out theoretically perfectly.

"Commissioner McLean: Leaving aside theory, is not that your position? I just want to understand your position.

"Mr. Walsh: Possibly that is correct.

"Commissioner McLean: I just want to see what your position leads to.

"Mr. Walsh: Yes, but that is not possible.

"Commissioner McLean: But either the two days is a right or it is not.
If he does not use the two days on one car, he has a right to the unused portion to apply on another car. Either it is that or it is a reasonable maximum time for unloading, and whatever he unloads within that time it stops at that. It is either one position or the other.

"Mr. Walsh: Certainly, if the conditions are ideal. We had a good illus-

tration of it yesterday in connection with the movement of cars.

"Commissioner McLean: We have to take one horn of the dilemma. It is either a right or a reasonable maximum. If it is a reasonable maximum it applies on the one car. I may be wrong, but it seems to me that that is a fair conclusion from the discussion.

"Mr. WALSH: That is all."

In supplementary summary and comment in his letter dated October 18, 1913, Mr. Walsh took, in substance, the position that the two days free time referred to had become a right by usage. The following extract from his letter is material:—

"At page 4577 Commissioner McLean asked whether the two days' free time allowed was a right or not. It is a right in the sense that common usage has made it so. It has been well established that a receiver of freight is entitled to notice of its arrival and to a reasonable time within which to remove it. It is the same right as he has in respect to less than carload shipments on which he is given 72 to 96 hours, and if the freight moves through the freight sheds the carrier has to provide storage and is liable under the bill of lading conditions as carrier for that length of time.

"As regards carload freight, the carrier does not have to provide such facilities. All that is required to do is to place the car for unloading. The bill of lading conditions determine the liability of the carrier and the length

of free time within which the receiver has to remove the goods.

"This point was seized upon by the representatives of the railways and dealt with at some length both by Mr. Beatty and Mr. Biggar at pages 4583 and following and 4605, 4606, and 4607. Both of these gentlemen took the position that the 48 hours, as suggested, was not a right and, therefore, the public was not entitled to it. The Board is familiar with the origin of the rule and it is, therefore, unnecessary for us to enlarge further on the subject except to point out that the records of the Canadian Car Service Bureau show that the public does not as a rule take 48 hours to unload, neither has it ever been contended that cars should be held for that length of time. It is, however, our

contention, that we have the right in case of necessity to that length of time. We respectfully suggest to the Board that in dealing with this question actual conditions must be taken into consideration. Mr. Biggar dealt entirely with conditions in Great Britain. These are not applicable here. The nature and volume of traffic are entirely different."

The same position is adopted in the correspondence on the Board's files, including the correspondence received in reply to the circular letter of June 16, 1919, already referred to.

The Dominion Sugar Company, in a letter dated January 17, 1916, says that in checking up all cars into their yards the average time for unloading is less than 24 hours, or less than one-half of the free time; and it was submitted that the Company felt that "as though it would be an injustice to ourselves to have each individual car charged for demurrage in view of the fact that hundreds of cars are unloaded within even 12 hours time."

The Canada Crushed Stone Corporation, Limited, made the following query: "If the shipper can save the railway money by the quick loading of cars, why should be not be credited to offset the loss when the railway cannot supply cars promptly?"

The T. H. Taylor Company, Limited, stated they thought it was only fair that the shipper should be allowed something for cars which were unloaded within the free time allowed.

The Algoma Steel Corporation, Limited, stated that it had been paying several thousands of dollars annually for demurrage, and it seemed to said corporation that it should be credited for cars which it returned promptly, that is, before the free time was up.

The Steel Company of Canada, Limited, pointed out that it unloaded a large portion of its cars within the free time. It took the position that it was unfair it should be penalized at a heavy rate for cars taken in excess of the free time when it had "earned money for the railways on so much of their traffic." It expressed the opinion that if the penalty was a fair one for the use of the car, the railway should be willing to grant a credit to the consignee who gives up cars to them in less than the free time.

Without multplying the citations, the position is, in substance, that the free time for loading or unloading exists as a matter of right, and that whatever is done by the consignor or consignee in regard to loading or unloading within the free time is in derogation from his strict rights and is something for which he should receive a credit.

The great majority of cars are, under the existing Demurrage Rules, loaded or unloaded within the free time, there being no incentive such as is argued for to induce extra expedition in loading or unloading, so as to obtain credits thereby. It follows that the loading or unloading within the free time is carried out not with any idea of benefitting the railway, but because the business conditions of the consignor and consignee concerned make it a good business policy to do so.

In analyzing the question of the *right* which it is contended exists, reference may be made to some decisions of the Board. In dealing with the application of the Wallaceburg Sugar Company for average demurrage, which was heard in 1909, the Board used the following language:—

"The 'average system' suggested, in my opinion, is not justifiable under the contractual relations which exists between the consignor or consignee (as the case may be) and the railway company. The contract of carriage is, that the railway company will carry the goods to the point where they are to be unloaded to the consignee, who in turn is to unload and release the car with all reasonable despatch. For more certainty and uniformity of practice, rules

have been adopted which say in effect that 'reasonable despatch' for unloading shall not, in the case under consideration, exceed 48 hours. If a man exceeds this reasonable time in unloading, he is penalized by a charge of \$1 per day for the extra time he may hold the car. Such a provision is in the public interest, because it makes a consignee prompt in releasing cars consigned to him, and thus increases the supply of available cars for the shipping public."

"The intention is that, under the Car Service Rules, each car shall be dealt with by itself and without reference to the movement of other cars. This insures equal treatment of the smaller shipper or consignee with the larger one."

Wallaceburg Sugar Co. v. Canadian Car Service Bureau, 8 Can. Ry. Cas., 332.

At a later date, in dealing with an application of the Canadian Car Service Bureau, the Board used the following language:—

"Car Service Rules constitute a code dealing with the question of average reasonable time for delivery, delays to cars, and penalties for such delays."

Application Canadian Car Service Bureau, for ruling as to apparent conflict in conditions of Bill of Lading and Car Service Rules. File 3678. Board's Orders and Judgments, December 1, 1916, 385, at p. 387.

In the matter of the complaint of the Wood Coal Company of Brantford, Ont., file 1.00, coart 2, and the complaint of the Barber-Ellis Limited, Brantford, Ont., file 1.00, on the question of the construction of rule 2 of the then existing Car Service Rules was arvolved. Under this rule, 24 hours additional free time was allowed for clearance of customs. This was in addition to the 48 hours free time. It was contended in substance, that the whole period of 72 hours was available for the clearance of customs and for unloading. It was held that the clearance of customs must be effected before the car was in a position to be unloaded, and that the time allowed for clearance of customs as compared with the time allowed for unloading must, therefore, be prior; that is to say, the time allowed for clearance of customs stands first on the list, and under the rule the 48 hours for unloading runs from the termination of the time allowed for clearance of customs.

The question of *right* herein involved has been dealt with from time to time in English decisions.

The Lancashire and Yorkshire Railway Company having proposed that on and from the first day of March, 1895, it would levy a charge of sixpense per wagon per day under the title of siding rent, upon all wagons containing coal or coke, and remaining undischarged upon sidings belonging to the railway company for a longer period than four clear days, the matter came before the Railway and Canal Traffic Commission in Marchester and Northern Counties Federation of Coal Traders' Association, v. Lancashire and Forkshire Ry. Co., 10 Ry. and Can. Traf. Cas., 127. The following references to what is set out in the decision are pertinent:—

"The carrier's obligation is to deliver the wagons within a reasonable time."

Ibid, per Collins, J., p. 133.

Carrier's obligations: "All that he undertakes and all he receives consideration for is the carrier's duty, which ends after he has delivered the goods—that is, has put the goods in a position where the trader can take delivery, given him notice of the fact, and left them there for a reasonable time, such as would enable the trader, with ordinary appliances, to get his goods out of the wagon."

Ibid, pp. 133, 134.

"Termination of Carrier's liability.—It clearly determined when a reasonable time had elapsed—a time within which, on the principles I have laid down, the trader, acting reasonably, might have taken the coals out of that wagon; and that reasonableness, I think, must be determined, not by reference to the after-use which it would have been convenient for the trader to put that wagon to after the coals had arrived, and he had the opportunity of taking delivery, but with reference to the fact that the carrier's obligation as an insurer remained up to the expiration of that reasonable time."

Ibid, p. 134.

The point was raised that the railway must be deemed to have conceded the right to the traders to use these wagons as shops during the four days—that is, during the four days they admit to be covered by the rate.

Collins, J., said:-

"I regard this as trying to fix an extreme limit up to which they are content to bear the obligation of carriers, and to deem it as covered by the rate—and they make it an extreme limit in order to meet the exigencies of the consignee." Ibid. pp. 187, 138.

In Midland Railway Company vs. Black and others. 10 Ry & Can. Traf. Cas., 145, the question of average was dealt with by Wright, J., at pp. 148 and 149, as follows:—

"Then Mr. Chitty, on this part of the case as to the charge, raised a point which is of great importance, and, prima facie, one which has a great deal in it. He said it cannot be reasonable to pay the company 6d. beyond the four days in cases in which, as in the majority of cases, the bulk of the traffic is unloaded by the traders within four days; so that the company getting the benefit of the accommodation saved by that expedition on the part of the traders as regards something like 90 to 95 per cent of the traffic, it cannot be fair that the company should have that advantage, and also be paid for what happens after the four days, but I do not think such a matter of setoff as that is is competent for us to consider. The trader has no right to the four days. It is not as if he waived anything by unloading within the four days. The trader is bound to discharge in a reasonable time. If it is reasonable for him to discharge in two or three days and he does so, it is no more than his duty and, as Sir Frederick Peel pointed out, after the four days, supposing the four days is the right time, the character of the company is a new and altogether different one. He is now a warehouseman; and how can the amount which he is entitled to charge for warehousing these trucks (warehousing is hardly the right word for it but it conveys what I mean) be affected by the circumstances that he has not been put to all the expense as a carrier or as a conveyer of the traffic to which he might have been subjected?"

The principle of average demurrage was before the Railway and Canal Traffic Association in North British Ry. Co. v. Coltness Iron Co., Ltd., et al., Caledonian Ry. Co., Coltness Iron Co., Ltd., et al., Glasgow & Southwestern Ry. Co. v. William Reid & Co., Ltd., et al., 14 Railway & Canal Traffic Cases, 246.

The matter involved came before the Railway and Canal Traffic Commission as arbitrators appointed by the Board of Trade to determine certain differences between them and the defendant in respect of certain charges which applicants claimed to be entitled to under section 5 (4) of the schedule to their several Rates and Charges Order Acts, 1892, on the ground that the defendants had detained wagons belonging to the applicants for an unreasonable length of time.

It was contended for the defendants that the true view was that if a railway company gets warms released it does not matter whether they are sent out in order of arrival or inherwise. The decision in this case was given by Lord MacKenzie. It was set out that under section 5, subsection 4, of the schedules of the Act of 1892, the consinuer or consigned must have a reasonable time to put traffic in or take traffic out. It was stated that—

"A full margin must be allowed to cover the reasonable maximum time to enable the consignor or consignee to give or take delivery." (P. 262.) In dealing with the question of average, the following language was used:—

"It is necessary to refer to an argument used by counsel for the traders in support of what has been called the average principle. This consists in crediting to the trader whatever free time is saved. If over the whole period of a week, or a month as the case may be, it is ascertained that the total free time has not been exceeded by the total number of wagons, then, according to this contention, no demurrage is due. This principle, to my mind, is founded upon a fallacy. A trader is not entitled to keep a wagon for the whole of the free time. His duty is to discharge with all reasonable despatch. If he does this, he does no more than his duty, and is not entitled to credit for the remainder of the free time. This is pointed out in the Midland Railway v. Black, by Wright, J.; see also the statement of Collins, J., in Midland Railway Company v. Sills. Nor do I think it admissible that the free time allowed both before and after conveyance should be added together, and if the total period is not exceeded that then no demurrage should be due." (pp. 264, 265.)

The obligation of the carrier under the contract of carriage covers not only transit but also a reasonable time for loading and unloading. Just as the carrier to a reasonable time to demand and receive delivery.

Chapman v. Great Western Ry. Co. Q.B.D., (1879-80) per Cockburn, J., 281.

"At the same time, the consignee cannot for his own convenience, or by his own prolong the heavier liability of the carrier beyond a reasonable time.

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Under the Bill of Lading, section 6, it is provided:-

"Goods not removed by the party entitled to receive them within 48 hours clusive of landings, or in the case of implied goods within 72 hours that the written notice has been sent or given, may be a supplied to the carrier, subject houseman only. . . ."

The situation which arises in respect of liability may be referred to. If in the of two cars each of high halfs hours free time, car number one is unloaded in 2 hours, then under the average will me may do not a standard credit to number two enables it to be unloaded will me may do not a standard credit to number two enables it to be unloaded Rules the standard at the standard in a constructive period of 48 hours, the situation is that it has taken 72 hours actual time. Under section 6 of the bill of hading, the carrier would be hable as a warehouseman only after the 48-hour period.

The proposal to apply a credit to the car detained 72 hours is based on the idea that the 48 hours' free time is a necessary incident of the contract of carriage and that during this period the contract of carriage, with the carrier's liability attaching thereto, continues. But in order to make the credit system applicable the contract of carriage on the car in question must have been completed. The transfer of the credit in effect means the transfer from a commodity which has moved under a contract of carriage with the incidents attaching thereto (and after the contract of carriage has terminated) to another commodity where the contract of carriage has terminated; that is to say, an attempt is made to counter-balance the contract of carriage as a carrier with the contract as a warehouseman.

Dealing with the question as a matter of right, the consignor or consignee has a right to such portion of the free time as is actually necessary, with due diligence, to effect the loading or unloading. If he loads or unloads the car within the free time, that is a closed transaction and there is no credit to impute to a car which takes longer than the free time. The free time allowed is a maximum reasonable average. The Board has in various instances, when application has been made to it for extension of the free time on account of the alleged necessity of the consignor or consignee having extra time because of length of road haul or other conditions peculiarly affecting the situation of the consignor or consignee being involved, declined to add

to the free time.

While it appears that there is no such basis of right as is contended for, and while this might properly be taken as closing the matter, it seems proper to consider further the question of whether there are any such conditions in respect of betterment of handling of cars involved as would justify a departure from the principle, which, in my opinion, is a well-established one; that is to say, would practical operating conditions justify the abrogation of the principle?

It is argued that the average demurrage method affords an incentive to a quicker

handling of the cars, and that this enures to the advantage of the carrier.

From letters from Mr. Lincoln, Manager of the Traffic Bureau of the Merchants' Association of New York city, which are filed by Mr. Walsh, said letters being dated May 28 and June 9, 1913, the following excerpts are taken:-

"The average agreement, by offering certain incentives to the receivers of freight, and particularly the large receivers, results in the more prompt release of equipment, that credits may be obtained to offset debits where demurrage accrues beyond the control of the receiver. . . . "

"As to the shipper or receiver, I am confident that an opportunity to earn credits for the purpose of offsetting debits is a constant incentive to the

shipper to unload his car within 24 hours."

"The Algoma Steel Corporation contends:-

"Transportation companies benefit by this plan in that they secure the return of equipment promptly, as industries find it an incentive to load and unload and send back the cars as quickly as possible."

In the evidence of Mr. Hay, already referred to, it was set out at p. 2930, volume 124, that the consignce should, by extension of the credit, be given an incentive to

unloading the cars; that this would help the release of cars.

In the evidence given by Mr. Dunn, of the International Harvester Company of Canada, it was contended at p. 4553, volume 179, that it would enable a more economical utilization of labour on the part of the company. It was set out that unloading gangs working on piece-work were used, and that if the unloading of cars were not limited by the date of receipt this would permit a continuous use of the unloading gangs.

This is, in effect, an argument that the average system should be used to offset the labour costs of the industry.

Similar evidence was given by Mr. Champ, of the Steel Company of Canada, at p. 4537, volume 179, to the effect that great effort was lost in locating and unloading cars in order of date.

In a submission made by the Canadian Manufacturers' Association subsequent

to the circular letter already referred to, it was stated:-

"It is our view and that of a number of manufacturers vitally interested in the question, that the addition of the average agreement in Canada would assist materially in the prompt handling of cars."

The Chairman of the Brantford Branch of the Canadian Manufacturers' Association stated that he considered that the theory of average demurrage was correct, as "it gives the manufacturer an opportunity of making a bonus for exceptional service to offset the penalties when delays occur."

The Peterborough Board of Trade, per the Secretary of its Transportation

Committee, used similar language. It said:-

"We agree with the manufacturers that this average agreement appeals to us as being a fair and reasonable way of dealing between the commercial interests and the railways, and that carriers must recognize the fact that to deliver them their rolling stock in less than the free time allowed must represent some compensation for which they should be willing to give reasonable consideration."

The same position was taken by the Canadian General Electric Company of Poterhorough, which considers that the average arrangement would bring about a taken committed use of rolling stock, as it carried a compensation for releasing cars within the free time allowed.

The same position is to be found in a submission from the Canada Foundry Campany, Limited. Mr. Dunn, in his evidence already referred to, expressed the opinion that the average system would permit releasing of two cars where one was now released.

The references to the evidence above set out show that the idea of an incentive to quicker handling of ours as a result of the credits asked for, predicates the existence of the right already referred to, and the comments already made are applicable in this connection.

#### IV

In addition to what has already been set out, various other advantages are claimed for the system, as follows:—

(a) It will require the friction arising over the operation of the weather and bunching rules.

(b) It is justified by United States practice and experience.

It is emsidered as being differentiated from what was dealt with in the

Walland to ra Secur Case in that there is proposed a limitation of credits.

The system is one which courses to the advantage of the large shipper. As it along on this various comments from the hearing which took place at Toronto in Dominion 13, 1916, may be referred to. The reference is to volume 259 of the evidence.

At p. 8415, the Chief Commissioner said: "The average demurrage does help an the big supper." A discussion took place between Mr. Green, representing the Steel Company of Canada, and the Chief Commissioner, and at p. 8515 the following a materit was made by the Chief Commissioner:—

"As far as the average question is concerned, no doubt it is a good thing for the large plant, because it enables them to keep the cars without paying demurrage."

And on p. 8516, the following discussion took place:-

"Mr. GREEN: The point I was trying to make out was that the railroads admitted at that time that they got just as many cars released—in other words, it was a 50-50 proposition.

"The CHIEF COMMISSIONER: They get no more and no less, but you

would'nt have to pay demurrage, and the small man who could'nt work an

average would have to."

A further comment of the ex-Chief Commissioner, "Average demurrage does not help the smaller dealer, and he in turn objects to average demurrage...." may be referred to.

In re Car Demurrage, Rules. XXIV Can. Ry. Cas. 180, at p. 195

It is not claimed by the shippers to be of general applicability.

In a letter submitted by the Canadian General Electric Company, Limited, Peterborough, the following language occurs:-

"There doubtless are several lines of business where the adoption of such a scheme would work out to the advantage of both the public and the transportation company."

Mr. Champ, in his evidence already referred to, says that the existing arrangement is "very unfair to the large shipper."

The following extract from the evidence, volume 274, p. 4794, is pertinent in

this connection:-

"The CHIEF COMMISSIONER: Mr. Dunn, how many cars a month would a man have to handle before this was of the slightest practical use to him?

"Mr. Dunn: I cannot conceive that it is of much service to the man who has not from 10 to 20 cars a month; he may gather up 10 to 20 days under the best conditions."

"The CHIEF COMMISSIONER: I only want the fact as you saw it. Your own idea it is not of much use to any one who does not have a business of 20

cars per month. Isn't it really a large-plant facility?

"Mr. Dunn: Well, Mr. Chairman-

"The CHIEF COMMISSIONER: But it is a large-plant facility, is it not?

"Mr. Dunn: I think so.

What has been so earnestly urged is, in reality, a plea for the large shipper. It means, in substance, that the large shipper who, because of his control of capital is able to have superior facilities, is, through a rearrangement of the Demurrage Rules, to obtain therefrom a still further advantage. For example, a coal dealer who has no coal trestle may have to take the full free time allowed, and, in individual cases, may have to exceed it. The coal dealer who has a coal trestle has superior facilities for handling coal. This is some thing which attaches to the scope of his business and the amount of capital he is able to control; and with the equalizing of conditions in this respect it is not the function of the Board to interfere. But, if the large dealer, on account of his superior facilities, is able to unload quickly and to obtain credits therefrom, the result of the system asked for would, in all probability, be to relieve him entirely from demurrage payments, payments which the less favourably situated dealer might be subjected to; and it might be that

these denies were connections in a common area. It would be improper for the Benral to attend to take away from the larger dealer the advantages in point of multitude a new his arger volume of business justified and which his greater control of a pinal; thun, in dealing with the question of Demurrage Rules, it would be purely improved to the Doord to leave out of consideration the effect which might be correlated incouch this proposed system in weighting the scales against the smaller dealer.

not need to use it unless he desires, does not meet the question.

The major and the the matter might be equalized by extending the time so as to take care of the smaller dealer, is to ask that the Board should equalize conditions by discriminating in favour of the smaller dealer. To state such a proposition is to attract attention to the fact that such a condition would not long endure before complaints were received.

In regulative policy in regard to rates, the practice on the North American continent is that the only quantities in railway carriage which it is justifiable to consider are carlead quantities and less than carload quantities, and that it is not justifiable for a regulative tribunal to direct or countenance rates predicated upon the handling of trainload quantities. The car of coal to the large dealer must be treated in the same way as the car of coal to the smaller dealer.

The adoption of the system might, and probably would, enable large businesses to carry on their activities without the payment of any demurrage penalties whatever. This, however, is incidental, not fundamental. The fundamental question is, would the system bring about such an expedited releasing of cars as would by adding to the numbers of cars free at a given moment, facilitate the handling of traffic in general, thereby entering to the advantage of the general shipping and receiving

Consider the situation that may arise during the car shortage. Box cars loaded with lumber are moved into a manufacturing plant which is operating under the average system. The cars are given, let it be assumed, the expedited unloading which it is claimed for the average system. The plant, at the same time, has been experiencing the car shortage on outbound movements. The result will be that the cars so unloaded can be held by the plant, through the instrumentality of its credits, as a store of empty cars to meet its needs. The result of this as affecting other industries on the average system which have lesser credits and especially those operating without the average system is readily apparent.

On careful consideration of the evidence adduced and the especial references made to practice in the United States, I am of opinion that the average system is discriminatory in principle, and that it has not been affirmatively established that it will so work out as to increase the car supply available at any given time.

GRAND TRUNK RAILWAY RATES BETWEEN OSWEGO, U.S.A., AND BELLEVILLE, ONTARIO

This was an application from Mr. E. Guss Porter, K.C., M.P., contained in a flowed and desprember 18, 1915, which, in substance, asks that the substance of approximately so miles, with special reference, as it approximately so miles, with special reference, as it approximately so miles, and cheapening coal shipment of the substance of approximately so miles and cheapening coal shipment that the substance of approximately so miles and cheapening coal shipment that the substance of approximately substance of the 
At the hearing the applicant was unable, with clearness, to establish the merits of the application as to rate, the evidence lacking the figures to show the rate from mine to Oswego, the cost of handling at Oswego, transhipment via lake to Belleville, and the cost of handling and loading there, and subsequently to the hearing the memo., was filed with the Board, under date of October 14, 1919, as suporting and amplifying the applicant's case. The matter was subsequently referred to the Board's Chief Traffic Officer, who made an exhaustive report, under date November 8, 1919, which report was adopted and incorporated as the basis of the Board's judgment.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, dated February 12, 1920, concurred in by Chief Commissioner Carvell and Assistant Chief Commissioner McLean. Held that no case had been made out which would justify

the granting of relief in any of the forms sought for.

REMOVAL CANADIAN PACIFIC RAILWAY COMPANY'S LINES ON OR NEAR RUE MESSIER, CITY OF ST. BONIFACE, MAN.

This was an application of the city of St. Boniface, province of Manitoba, to the Board for an order directing and ordering the Canadian Pacific Railway Company to remove immediately any and all lines of railway improperly, illegally, and without due and lawful authority laid by the Canadian Pacific Railway Company, or any person or corporation on its behalf, on or near Rue Nessier, in the city of St. Boniface, either on the property of the railway or on the property of the city or any other person or corporation.

In the application as launched, request was made that the Canadian Pacific Railway Company be directed to remove such tracks as have been laid by it without lawful authority on or near Rue Messier, in the city of St. Boniface, Man. At the hearing, counsel for the city withdrew this portion of the application, recognizing

that at the point in question no right of crossing existed.

The application, it appeared, was one which was primarily concerned with the affording of access to the plant of the Western Wheel Foundry Company. It was testified on behalf of this company that the general industrial situation had been carefully canvassed by it in regard to locations, and that the location which it now possesses adjacent to the point where the crossing is asked for, was chosen only after careful balancing up of the industrial advantages of different sites.

The Canadian Pacific Railway Company at the hearing objected strongly to the crossing being granted, and in this connection pointed out the heavy travel which existed over the tracks across the point where the proposed crossing would be located. One of these is the main line to St. Paul and Minneapolis, and another is the main

lead which runs down to serve many industries as well as the stock yards.

The Canadian Pacific Railway Company proposed a diversion of Rue Messier to a point approximately 330 feet north, and then running west across the tracks to connect with Archibald street. Rue Plinquet is 1,200 feet from the proposed crossing on Rue Messier. The diversion, as proposed, would bring the crossing within 850 feet of Rue Plinquet.

The facts are fully set out in the judgment of Assistant Chief Commissioner McLean, dated February 13, 1920, concurred in by Chief Commissioner Carvell, and

Mr. Commissioner Rutherford. 26, Can. Ry. Cas., 45.

Held that the crossing was necessary. Held further, that in various cases, where a highway had been opened up across the tracks of the railway and the question of protection is one which it had not been necessary to deal with at the outset, no pronouncement had been made in the order for the division of cost, thus leaving it

open to the Board, it a later date, to consider the matter from the standpoint of the respective volumes of traffic on the highway and on the railway, and to deal with the matter accordingly. That a different situation existed where it was recognized that features of danger would attach to the crossing from its inception. Held further, that an order in the present case should go, subject to the municipality bearing the full burden of cost of such protection, as might from time to time be found necessary, and that for the present, protection by a watchman between the hours of 7.30 a.m., and 5 p.m. should be provided for, at the expense of the municipality. Held further, that the order should also provide for the rearrangement, at the expense of the Foundry Company, of the switch and tracks referred to.

SASKATCHEWAN SUPPLY AND FUEL CO., SASKATOON, SASK., PE FREE TIME ALLOWED FOR ORDERING AND PAYING FREIGHT CHARGES

Judgment of Assistant Chief Commissioner, dated February 16, 1920, concurred in by Chief Commissioner Carvell.

Applicant has a private siding on the Canadian National Railway track on which its sheds are located, these sheds being divided into some sixteen different bins. It has also the use of trackage on the John Deere Company's spur—a Canadian Pacific spur. This spur, while built under agreement for the John Deere Company, has had another spur built off it, and there is another application pending for a further extension. While the applicant does not own this spur or any portion thereof, or contribute to its upkeep, it has in this facility in practice the advantage of a private spur.

In a communication received since the hearing from the solicitor of the Canadian Pacific, the following statement occurs concerning the position taken by Mr. Strickland, a member of the applicant company:—

"Mr. Strickland authorized our superintendent, Mr. McKay, to say that his company did not desire to attach any significance to the fact that they are not in one sense served by an exclusive private spur. They admitted that they are treated identically as if they had an exclusive private spur, and desire that it be so considered."

The applicant has adjacent to the Canadian Pacific spur in question fourteen different coal bunkers or open bins. The following submission is made:—

"Our cars may either be required at one of our bins on the Canadian National track or one of our open bins on the Canadian Pacific track, or it may be required to be spotted on either track to be unloaded by teams, and the disposition of the car depends, first, upon the kind of coal contained in the car, and secondly, upon whether the railroad has one car for us on that particular day or a number of cars, in which latter case some are required at the bins and the balance spotted for unloading by teams. Under these circumstances, our position is entirely different from the position of the owner of a private siding who has a warehouse or building of some kind at which all his cars are to be spotted, and it is next to impossible for us to give placing instructions immediately we are notified as to the arrival of the car."

Complaint is made that the Secretary of the Canadian Freight Association, Western Lines, has given a ruling that since the applicant's cars are spotted on a private siding no time allowance for either ordering the car or paying the freight charges is allowed.

Dealing first with the question of time allowance for the payment of freight charges, it may be pointed out that in the rules formerly effective rule 2 provided inter alia that twenty-four hours should be allowed the consignee to pay the tolls or charges, if any. This was, however, subject to rule 11, which provided that this extra time allowance was not to be made where the railway company held previous or standing orders from the consignee for placing on designated tracks or private sidings. Under the rules now operative, which have been in effect since August 20, 1917, it is to be noted that while rule 3 (a), and clause 2 thereof, provides for twenty-four hours free time for giving orders for special placement, it makes no mention, as did rule 2 of the former rules, of this period covering an allowance in which to pay the tolls or charges (if any). And, further, the provisions of the present rules, as above referred to, in respect of orders for special placement are not applicable to consignees served by private sidings or industrial interchange "tracks."

While, under rule 2, (b), delivery of cars upon private sidings or industrial interchange tracks constitutes notification thereof to the consignee, it appears that in practice some arrangement has for some time existed whereby the applicant gives a special placing order. There is some difference of opinion as to the extent to which this has been lived up to. The following discussion is in point (Evid. Vol. 319, p.

12453):--

"The Assistant Chief Commissioner: So long as the railways live up to your instructions as to special notification for placing, that not being the strict letter of the rule, things worked all right?

"Mr. STRICKLAND: Yes.

"The Assistant Chief Commissioner: But as soon as the strict letter of

the rules apply, you have trouble about demurrage?

"Mr. CAMPBELL: No, he still wants another day. The practice to-day is this: A car comes in and instead of being immediately placed on Mr. Strickland's siding he is sent a regular No. 3 advice note; if he gives the disposition the same day, up to 5.30 in the evening, on that car, we consider that it will be placed and his free time commence provided it is placed the following morning at 7 a.m., but there is an isolated case possible where Mr. Strickland does not get his notification early enough to enable him to decide what he is going to do with it, although I am told, subject to correction, that 4 o'clock is about the latest hour that the advices are delivered. Then Mr. Strickland has to decide whether he wants the car on one siding or another, or he turns cars over to other consignees, he sells coal by the carload to other people, or he will have it placed somewhere, but he figures that the free time will not expire before he will have time to team it and save him the expense of unloading the coal into the bins, but in all those cases where he gives his notification the same day as he is advised, the rule does not come into operation, but Mr. Strickland's point is that he should have the following day as well for giving his order."

In effect, the applicant contends that because of special conditions affecting his business he should have a modification of rule 2 (b) whereby he will obtain extra time not allowed under that rule.

As to the Canadian Pacific track concerned; it appears, as has been pointed out, that the applicant has the advantages attaching to the position of a private siding owner, without being subjected to the disabilities of paying for the same.

In a hearing which the Board held on October 21, 1919, the Board was asked by the Canadian Car Demurrage Bureau for a ruling. What was involved was:—

"The question submitted to the Board was as follows:-

"A consignee who has two or more private tracks connecting with tracks of the railway at same point, and upon which the railway company performs

necessary switching to place and remove cars, advances the opinion that he should be allowed 24 hours' free time after notice of arrival of a car to designate the particular track upon which he requires a car placed. Should the 24 hours' free time be granted, or should be (consignee) not be advised that he should be in a position to designate the track immediately car is offered to him for unloading?

#### RULING

"On the hearing of the matter at the sittings of the Board at Ottawa, on Tuesday, the 23st October, 1919, the Board decided that the rule (No. 2), as it stands, does not cover the situation raised, that is, by way of entitling a private owner to any extra time."

In the application of F. R. Stewart & Co., Limited, Vancouver, which was heard at Ottaw, on October 21, 1919, what was involved was that the applicant who was limited to 33 feet of an industrial siding contended that he should be given the advantage of the 24 hours, provision of rule 3 for giving placement directions; and it was heal that under the raies the user of the private siding was not entitled to the extra free time asked for.

The Board has had before it from time to time various applications from indicionals contaming that because of the special disabilities of their businesses special alterance of free time over and above what is contained in the rules should be made; and the Board has uniformly held that as the rules provide for average maximum reasonable time, departure therefrom is not justifiable.

In the present instance, a case for the extension asked for has not been made out. A complaint was made as to the effect on applicant's free time of a demand by the railway, or railways, for a marked cheque to cover freight charges. The applicant sets out:—

"In the matter of freight charges we have no credit account with the railways nor will they give us one and while we usually get along without a marked cheque they have a habit of occassionally demanding marked cheques, in which case it is absolutely impossible for us to pay the freight charges until the bank opens at 10 o'clock the following morning."

What is comparined of is not a present difficulty, for Mr. Strickland said at the hearing "at the present time the practice is to place cars without the cheque, but I want to point out we are subject to that difficulty any time." Mr. Campbell, Secreary of the Canadian Freight Association, Western Lines, stated in evidence (Vol. 319, p. 12450):—

\*For example, Mr. Strickland referred to Rule 2 (b). He is not suffering any hardship under that rule because it is not the practice of the railways to place the cars upon his private siding before he gives them the placing order.

. . . We do not deliver any car to him until he orders it placed."

So lear as the practice so accepted by the railways is continued, there appears the no difficulty in the situation. If it should be departed from, then, on a written submission from the applicant setting out in a specific case, or cases, the encroachment up in the free time allowed under the rules, resulting from the demand for a marked chaque, the Board will consider whether or not there has been delivery, thus exhills the free time to run, when at the same time the applicant is unable to unload his ears until the marked chaque is given, and will take such action as seems proper.

UNITED GRAIN GROWERS OF WINNIPEG, MAN., TO FREIGHT CLASSIFICATION ON ROAD GRADERS.

Judgment of Assistant Chief Commissioner McLean, dated February 25, 1920. Concurred in by Chief Commissioner Carvell, and Commissioner Rutherford.

I have read the report of the Chief Traffic Officer and agree in the conclusions arrived at.

It may be pointed out in terms of the submissions made by the applicants that there are eight types of graders handled by them. By reference to the catalogue number and weight of the machine, the following detail is available:—

The machines lettered G-56, G-57 and G-55 are shipped with the wheels off, K.D.,

with a second-class rating; and no complaint is made as to these.

The machines lettered from G-50 to G-54, inclusive, are the types which are shipped S.U., on flat cars, and which are at present subjected to the general double first-class rating for the set-up machine.

Rule 6 (a) of the classification provides as follows:—

"Unless otherwise provided for in this classification, or subsequent amendments thereto, L.C.L. shipments too long or too bulky to be loaded in a box or stock car through the side door thereof, and which are loaded on a flat or gondola car, will be carried at actual weight and tariff (class or commodity) rate, subject to a minimum of 5,000 pounds for each car used, at first-class rate for each consignment from one shipper to one consignee; except that when the classification provides for any article a lower minimum weight than 5,000 pounds when loaded on a flat or gondola car, such lower minimum weight will apply, instead of the minimum of 5,000 pounds referred to, for each car used."

It will appear, then, that the machines G-50 to G-54 are, under this rule, carried at a double first-class rating, subject to a minimum of 5,000 pounds at first-class.

Applying the weight of 5,000 pounds to a machine weighing less than that amount works out, for example, that where the machine G-53, weighing 3,250 pounds is charged as if it weighed 5,000 pounds, it is being charged, if the minimum weight and rate applies because in excess of the tariff rate on the actual weight, 1.54 times as much as the weight which would apply if there were not such a minimum weighting. Working this out for the machines concerned which weigh less than 5,000 pounds, the result is as follows:—

	Weig	ht													
G-53,	3,250	lbs.,	increase	eđ.,					0	 		 	 	1.54	times
G-54,	3,350	6.6	64							 	 	 	 	1.49	
G-52,	3,788		46		 ٠			•		 	 	 • •	 	1.05	66
G-51,	4,770	**	44		٠	• •	۰	٠		 	 	 • •	 	1.05	
														5.40	64
А	verag	e			 					 	 	 	 	1	35

There is no classification rating between first-class and the one and one-half times first-class.

There is given up to the carriage of the grader the complete service rendered by a flat car. It is justifiable to take into consideration in connection with the earnings on the large grader weighing 5,510 pounds, the use which might be made of the same car in a carload movement. For this purpose, the earnings in the same mileage movement of a flat car 36 feet or over in length and carrying lumber with a minimum of 50,000 pounds may be taken. This type of car is taken as characteristic. In the case of the Canadian Pacific, 86.4 per cent of its flat cars are over 35 feet 2 inches in length.

The following table compares the earnings on the first-class rating for the same grader with the earnings on the minimum for lumber for 100, 150, 200, 250 and 300

approximate miles:-

				Miles	First class	Charge on	Flat car of lumber with 50,000 lbs. minimum
64	6.6	Red Deer Carstairs	 	100 153	50 64	\$27.55 35.26 40.77	\$62.50 72.50 87.50
66 66	4.6	Hayter	 	254	74 82·5 91·5	45.46	95.00 107.50

On this basis for the total mileages concerned, the earnings per car-mile in the case of the grader would be, at the first-class rate, 19-8 cents as compared with 42-2 cents on the carioad movement of tumber. That is to say, the earnings per car-mile on the grader are 47 per cent of the carnings per car-mile on the lumber. If the movement is computed on one and one-half times first-class, the respective car-mile earnings are 29-7 and 42-2, and the percentage is 70-4 per cent.

Considering the rating on the minimum and the effect of this, together with the general classification factors adduced in the Chief Traffic Officer's report, I do not be that the Ecarci would be justified in directing a reduction below the rating of one and one-half times first-class.

MESSRS, PLUNKETT & SAVAGE, CALGARY, ALBERTA, VS. C.P.R. CO. TO CHARGES FOR HEATERS IN CARS OF BANANAS—NEW ORLEANS VIA MINNEAPOLIS TO CALGARY

Judgment of Assistant Chief Commissioner McLean, dated February 26, 1920, concurred in by Chief Commissioner Carvell and Commissioners Boyce and Rutherford. 26, Can. Ry. Cas., 57.

It is very much to be regretted that in the presentation of this matter, both at the original hearing and at the subsequent hearing, the matter of the complaint was so developed that various matters material to the complete consideration of the question were not set out.

The original judgment, on what was before the Board, referred to a through rate being in existence from New Orleans to Calgary. It appears, however, from the tariffs that instead of there being a movement on a through rate there was a movement built up on a rate which is a combination of the rate from New Orleans to Minneapelis, plus that from Minneapelis to Calgary; a refrigerator car, to take one instance, moving to Minneapelis on a given freight, then for the movement beyond there was a new and distinct freight charge to destination.

As to the heated car service, the tariff which was in effect at the time the shipment moved was Minneapolis, St. Paul and S.S. Marie Railway Tariff, Supplement No. 2, supercoding No. 1 of the M. St. P & S. S. M. Ry., I.C.C., No. 3857. This also has a allog number for the M. St. P. & S. S. M., C.R.C., No. 645, and the Canadian Pacific filing number is C.R.C. No. W-2154.

The tariff in question provides as follows:-

### CHARGES FOR HEATING REFRIGERATOR CARS

"Upon receipt of reasonable notice from shippers that a heated refrigation can is required for carload shipments between Minneapolis, St. Paul, Minnesota Transfer, Duluth, Minn., or Superior, Wis., and points taking same tates or achiraries higher and stations in Canada named in tariff as amended, the following rates will be assessed for heating in addition to the regular freight charges of the cars."

Under this from, there are set out rates between Minneapolis, St. Paul, Minnesota Transfer. Deauth, Minn., and Superior, Wis., and various destination points, and the rate shown between Minneapolis and Calgary is 7½ cents per 100 pounds, minimum \$22.50 per car.

An analysis of this item permits the subject matter to be subdivided under three headings:—

(a) Upon receipt of reasonable notice.

(b) That a heated refrigerator car is required.

(c) Specified rates for heating will be assessed in addition to the regular freight charges.

The words "upon receipt of reasonable notice," as contained in the item above referred to, are alleged by the applicant to deal only with a situation where notice by the shipper that a heated refrigerator car is required is given, and not to a situation where a car equipped with one heater, as in the present case, has gone forward to Minneapolis for forwarding and application is made for an extra heater.

The shipment, from the correspondence subsequently submitted, appears to have been made by the Cuyamel Fruit Company of Minneapolis. In response to a letter of December 4, 1918, from Plunkett & Savage to the firm aforesaid asking for information as to what had taken place in connection with the shipment from Minneapolis, the following language occurs:—

"We do not know what kind of an agreement you people have with the Illinois Central so far as the heating of cars is concerned. If you have one, we would like to get it in writing from you so that we can have it for defence if the case comes up, or, better still, if you could supply same in the form of an affidavit it would have more weight with the Commission."

Thereafter the following affidavit was submitted:-

State of Minnesota \ County of Hennepin\ss.

"Personally appeared before me 'a notary public for and in the county of Hennepin, state of Minnesota, Wm. H. Paton, who after being duly sworn. deposes and says that he is the District Manager for the Cuyamel Fruit Co., a corporation with headquarters in New Orleans, La., whose business is the importation and selling of bananas in carload lots. That he has had upwards of fifteen years experience in the line of handling bananas and has been employed by the above named company in his present capacity for the past four years. He affirms that the method employed by his firm in the movement of cars (refrigerator cars being always furnished), is to furnish experienced messengers to accompany cars from New Orleans to the destination of the cars. That the railroads in the United States, upon request of these messengers in charge of the cars, always without exception assist them to the best of their ability in the protection of this very highly perishable fruit, and when called upon in cold weather to furnish heaters to be placed in the ice bunkers of the cars, that they be furnished such heaters to the messengers free of any charge whatsoever. This same condition applies to Winnipeg, Manitoba, and intermediate points between Minneapolis and that point.

Lillian A. Jeffrey, witness.

Wm. H. Patton.

"Subscribed and sworn to before me this 9th day of December, 1918. (My Commission expires January 27, 1923).

Lillian A. Jeffrey,

Notary Public, Hennepin county, Minn."

The Cuyamel Company in its letter of December 9, 1918, to Plunkett & Savage, said letter being on file, says inter alia:—

"In connection with this matter we desire to say to you that the rule governing this charge as imposed by the above named company, requires a 20c—5%

creat need, of imagination to apply to cars of bananas. The rule reads that "Upon recipit of reasonable notice from shippers that a heated refrigerator or a required, carload shipments between Duluth, St. Paul, Minnesota, and tation to king the same rates, etc., etc., the charge shall be imposed according to the minted schedule. Now as a matter of fact, we have never called upon he Muls. St. Paul & Sault Ste. Marie Railway Company to heat a car prior to its leading, and this is obviously what this rule is intended to cover. It could be a physical impossibility for us to call upon any railway, by giving notice either reasonable or unreasonable, to furnish a heated car, for the reason that these cars are heated prior to their receipt by the M. St. P. & S. S. M. Ry, by heaters furnished south of this point gratuitously by the railroads over which the bananas move to this point, and in order to comply with the terms of this rule, the car would have to be unloaded, and you know that that is entirely impossible."

The Canadan Pacific Railway Company makes the following submission as to the construction of the cariff in this respect, said submission having been filed after the original hearing:—

"It makes no difference whatever where the shipment originated; under the tariff applicable from Minneapolis the freight rate did not include the heater charge, and even if there had been a heater in the car previously, and it were then necessary to provide an additional one, the heater charge was properly assessed. As the Board is aware, the charge is for the heater service, including fuel, and is properly assessed whenever a car moves under heat supplied by the company.

"Under reciprocal arrangements made between the various railway companies operating in the United States and Canada, cars in through movements are interchanged, so as to avoid unnecessary trans-shipment of freight.

"The same reciprocal arrangement applies to refrigerator equipment, and in so far as the charge for heater service is concerned, it makes no difference whether the shipment were transferred into a C.P.R. refrigerator car, and heaters furnished by the C.P.R. at point of connection, or whether the C.P.R. took over the connecting line's car with heaters in it. If the C.P.R. uses the heater equipment of a connecting line on shipments coming to it, it reciprocates by allowing the use of its similiar equipment in the case of other shipments handed to its connections."

The contention of the applicant is that what was asked for was not a heated car service, but a heater service, and that the tariff, therefore, did not apply. The stem already referred to refers both to heated refrigerator car and to heating, but the rundamental matter appears to be the heated car. While it may be that the item was intermed to apply to a heated car hand d from Minneapolis, there is ambiguity in the item as worded.

In a written submission made on behalf of the applicants, said written submission mains idea by the head of the Transportation Branch of the Fruit Commissioner's Office, Department of Agriculture, the following language is used:—

T am informed that previous to the time of complaint Messrs. Plunkett & Surge paid the regular freight charges only on bananas except when ice we used, it which case they paid for actual amount supplied. Between the into of complaint and May 6, 1915, they paid \$22.50 per car on eighteen additional cars for which they asked a refund on same basis as the five carboads mentioned. Since that time shippers have been supplying heaters and tail, the consigner paying for the fuel and returning heaters to them, paying nothing to the railway company."

On this being checked up with the railway, the Board was advised that it was the understanding of the responsible official in charge of traffic that if shippers were permitted to supply heaters and the fuel and look after same the railway company would make no charge; that, in other words, the company would make a charge only when heaters and fuel were supplied. This position is also set out in a letter of the assistant general solicitor of the company, under date of February 16, 1920, wherein he refers to the communication of Mr. W. M. Kirkpatrick, Assistant Freight Traffic Manager, already referred to, and states his understanding is that the latter has replied that a charge is made only when the heater and the fuel are supplied.

In a written submission earlier made by the company, the following statement

is set out:-

"In his judgment the Assistant Chief Commissioner states:-

If he (the messenger in charge) had not asked for the additional heaters

at Minneapolis, there would have been no extra charge.

"This statement is of course correct, as, had the heaters and fuel not been supplied, the car would not have moved as a heated car shipment."

The statement made by Mr. Kirkpatrick, already referred to, relates to the Soo Line Tariff, C.R.C. No. 747, I.C.C. 4457, C.P. No. C.R.C. W-2431, effective February 1, 1919. However, this carries under the item of charges for heated refrigerator cars a provision identical with that referred to as being in force at the time the shipment moved, and the rate quoted is the same.

It is stated in the extracts above given that when the shippers supply heaters and fuel and look after same (the attendance being given by the shippers in either case), there is no heated car charge. Whether this is to be taken as a charge for heating or as including something in adition for the haulage of the car is not entirely clear. It may be arguable that since there is the same haulage where the car is heated with the heaters and fuel supplied by the railway as when it is heated by the heaters and fuel supplied by the shipper that the charge is, therefore, based on heater service.

Here, again, there is lack of definiteness. The tariff does not indicate what unit or units of heater service will be supplied for the charges concerned. When the car in question, to take one as a type of the cars concerned, arrived at Minneapolis, there was a heater in it. It was not developed in evidence at the hearing by whom or at what point this heater was supplied on the movement south of Minneapolis. As to the movement up to Minneapolis, the letter from the Cuyamel Company, as above referred to, sets out, in the extract quoted, that—

"These cars are heated prior to their receipt by the M. St. P. & S.S.M. Ry. by heaters furnished south of this point gratuitously by the railroads over which the bananas move to this point. . . ."

The tariff is not defining the quantum of heating for which responsibility will be assumed by the railway for a charge, by way of furnishing "heating," and, further, in not making clear what difference, if any, there is in the charge where, as apparently was the case here, part of the heating has already been provided for, is ambiguous. A normal rule of construction is where a tariff provision is ambiguous, it should be construed strictly against the railway.

While the Canadian Pacific Railway is a participant in the movement, what is involved is the construction of a tariff filed by a railway operating in the United States, wholly within the jurisdiction of the Interstate Commerce Commission. While the tariff, on what is before the Board, appears to be ambiguous, I do not express a concluded opinion on this; for it must be recognized that the Minneapolis, St. Paul and S. S. Marie Railway, which issued the tariff, has not been before this Board and cannot be compelled to appear. And, consequently, there has not been

before the Board any representation by said railways as to the construction of the item in question. It may also be noted that the arrangement entered into in respect to heaters was one entered into in the United States by a consignor who was not before the Board.

The construction of the terms of the tariff filed by the initial carrier determines throughout the incidence of the item as to heating. The Board has recognized in Essex Terminal Ry. Co., v. G.T., M.C., Wahash and New York Central Ry. Cos., 22 Can. Ry. Cos., 201 at p. 304, that as a matter of practical working there have been advantages in recognizing a control by the Interstate Commerce Commission over the rate from a point in the United States to a point in Canada.

In dealing, in the present instance, with the construction of the terms of the traiff filed by the initial carrier, who is within the jurisdiction of the Interstate Commerce Commission, it seems proper that the ruling of the Interstate Commerce Commission in I. & S. Docket No. 1155, Heated Car Service Regulations, .0 1.C.C., a.a., smuld be followed. In dealing with the question of international rate practice, Commissioner Harlan, who wrote the judgment which was accepted by the Commission, said at p. 622:—

"For some years joint through rates from Canadian points to interior domestic points have been regarded as being within the general control of the Canadian Commission, while joint rates from domestic points to interior Canadian points are left under the general control of this commission. The origin and scope of this understanding between the two commissions is explained in International Paper Co., v. D. & H. Co., 33, I.C.C. 270. It is also referred to in Rates on High Explosives to G. T. Ry. System Stations, 33, I.C.C. 567, and was followed in Aetna Powder Co., v. Wabash R. R. Co., 39, I.C.C. 199. It has proved to be an efficient working arrangement and will not be departed from by this Commission on light grounds, although we have felt it necessary to point out that our jurisdiction extends to the service of our domestic lines performed within the United States and to the charges therefor, and that where circumstances seem to make such a course necessary we would require the donestic carrier to withdraw from participation in joint through rates to and from Canadian interior points and to establish a local or proportional rate to and from the border."

The jurisdictional question was not spoken to. Had this been spoken to, the parties would have had earlier advice and the delays caused by the hearings and consideration of written submissions would have been eliminated, so that the parties might have had sore prompt recourse to the Interstate Commerce Commission. When it became apparent that there was a jurisdictional difficulty in the way of settlement, the Board gave further attention to considering whether any adequate remedy could be worked out in respect of the Canadian Pacific Railway Company alone.

On consideration of the various phases of the matter, I am regretfully constrained to conclude that the only way in which the matter can be dealt with so as to give an adequate remedy is by dealing with it as a unit. By referring the matter to the paisele ion of the Interstate Commerce Commission, that body will, in accordance with the ruling in Heated Car Service Regulations, above referred to, be in a position to pass upon the construction of the tariff involved, and afford such remedy as to it may seem preser. Whether such reference is to be made by the consignor or by the consignee is a matter to be determined between themselves.

T. H. TAYLOR CO., CHATHAM, ONT., re CHECKING NON-HANDLED FREIGHT

Judgment of Commissioner Boyce. Dated February 27, 1920. Concurred in by Chief Commissioner Carvell and Assistant Chief Commissioner McLean.

The complaint involves the rights, as between shipper and carrier, as regards checking of a shipment of flour from Chatham, Ont., to Sydney, N.S., loaded by shippers, upon their private siding, at Chatham, Ont., and sealed with their own seals. On arrival the carriers alleged that the seals were intact and declined to check the contents of the car, or to assume any responsibility for the alleged shortage in its contents.

The relative rights of shipper and carrier, where shipments are made from private sidings of the shipper, are discussed and fully set out in the judgment of the Board, in re Bole Grain Company and C.P.R. (see Judgments, Orders, etc., volume 8, page 365), the principle of which is applicable to the complainants' case, and would appear to be a bar to the recognition of their claim. As was laid down in the Bole Grain Company's case, the carriers in the case of shipments from private sidings are not subjected to the same liabilities as are involved where shipments are made in the ordinary course of business, from the terminus of the railway where the carrier receives, receipts for, and loads the shipment, and seals the car. A fortiori, where, as in this case, from their private siding, the complainants themselves load a car, presumably checking the contents into the car, and seal that car with their own . seals (not with the seals of the railway company), and at destination the seals are found intact, so it cannot be alleged that the seals were tampered with while in the care of the carrier, there is no duty cast upon the railway company to check the contents of the car, from the car, nor any liability for non-delivery of any portion of its contents.

Beyond this principle, as laid down in the case cited, rule 12 of the Canadian

Freight Classification applies. That rule reads as follows:-

"Freight weighing 2,000 pounds or over, per piece, or package; also all freight in 6th, 7th, 8th, 9th and 10th classes must be loaded and unloaded by owners."

Flour is in the 8th class, and as such the shipment mentioned was subject to

the rule cited.

The carriers not having loaded the car, nor superintended the loading of the car, and not having in any way concerned themselves with, or voluntarily assumed responsibility for the contents of the car, clearly assume no duty to check out, or become responsible for the contents of the car. It is a case where the railway company would have had a right, following the Bole case cited above, to have noted the bill of lading, "Shippers load and count."

With the above observations, the claimants will see that their claim cannot be

supported.

I agree. Reference may also be made to the agreement worked out in 1916 between representatives of the shippers and of the railways as to carload loading on private sidings. One effect of this is that where the car is not loaded by employees of the railway or under its supervision there is no duty imposed on the railway to check out such freight.

S. J. McLean.

FREIGHT ADJUSTING BUREAU, VANCOUVER, B.C., FOR RULING TO RATES ON SHODDY BLANKETS

Judem 12 Assistant Chief Commissioner McLean, dated February 21, 1920. Concurred in by Chief Commissioner Carvell and Commissioner Rutherford.

What is involved is the interpretation of apparently contradictory provisions of a tariff.

It is quite clear that item 250 of the tariff (C.R.C. 14) must be read in connection with item 265. The latter, among other things, has "Blankets, other than cotton or shoddy." Reference must therefore be found elsewhere to the shoddy article, and the only other item in the commodity tariff covering blankets is No. 250, which contains, "Blankets, cotton or shoddy." While it is true that this last is headed "Articles made wholly of cotton," provision has to be made for the shoddy blanket excluded from item 265, hence the words "cotton or shoddy." But for the specific exception in item 265 these words would have been redundant, having regard to the word "wholly" in the headline, but being there they must have been inserted with intent, meaning "cotton, as above (wholly) also shoddy." Another interpretation and have allowed blankets entirely out of the commodity list, as contended by applicants, in which case the first-class rate would apply, namely, \$4.70\frac{1}{2}, or \$1.25\frac{1}{2}\$ per 100 pounds more for the inferior article than for the pure wool blanket of item 265 at \$3.45, and thus create an anomaly that respondents themselves could not be expected to defend.

I consider that applicants have proved title to the \$2.65 rate of item 250, and they have been supported, as the evidence shows, by the C.P.R. Claims Department.

CANADIAN FREIGHT ASSOCIATION TO INCREASE IN RATES FOR HEATED REFRIGERATOR CARS

d. Assem' Chief Commissioner McLean, dated February 28, 1920. Concurred in by Chief Commissioner Carvell and Commissioner Rutherford.

I

Application is launched by the Canadian Freight Association, acting on behalf of the Canadian railways, for an increase in the rates for the use of heated refrigerator cars for movements in car lots.

II

The application as launched by the Secretary-Treasurer of the Canadian Freight Ass. indica. We storn Times, acting on behalf of the lines from Fort William west, is for authority to increase the rate per car-mile to  $1\frac{1}{2}$  cents, minimum \$2. Reference is made in this connection to Order No. 25251 of August 5, 1916, and to General Order No. 173 of October 26, 1916. The situation is that the original tariffs filed for the West, and which were suspended by Order No. 24994, had this suspension films to Order No. 25251. The request on behalf of the lines in Western Canada a firm it lines are for 15 cents per ear per mile, with the existing minimum of \$2.

The matter of rates for heated car service in carlots in Western Canada was light with in 1916. Tarits prevaing for the rates as set out in general order, as above of real school and one of the natter being set down for hearing at Winnipeg, Sacket at Indian row. Calgary, Mosse Jaw and Regina. As a result of the discussion of the representatives of the shippers consented to the charge of 1 and per car per mile, with a minimum of \$2. Certain readjustments in certain of the tarit rates were made againg with less than earlot shipments. These are not material in the present discussion.

The result of Order No. 25251, referred to in the preceding paragraph, is that the rates in question went in under ordinary tariff filing and not under direction by order fixing a basis. The matter was not covered by General Order No. 173.

The present application has been heard at Fort William, Winnipeg, Regina, Saskatoon, Edmonton, Calgary, Vancouver and Victoria. In support of the application for an increased rate, a statement setting out the following particulars was filed at Vancouver by the Canadian Pacific Railway Company:—

# COST OF HEATED CAR SERVICE BASED ON FIGURES FOR 1918-1919

2. 3. 4.	Total cars handled	5,280.00	0.14
	Depreciation-		
	Renewals based on average life of ten years per heater		
		\$19,184.00	
			0.40
9.	Depreciation and repairs per mile		0 48
	Terminal attendance—		
10.	50 inspectors at 48 cents per hour. 6 months on heaters	\$28,800.00	0.73
	rer mile a distribution of heaters		
11.	Office supervision and distribution of heaters, figures on salaries paid general office staff	\$ 1,762.50	0.05
12.	Cost of heater fuel per mile— 2 bushels for 36 hours.		
	15 miles per hour. Charcoal costs 36 cents per bushel		0.17
13.	Cost of handling, \$ cents per ton per mile.  Average weight, 75 pounds per heater		0.05
	Total cost per mile		1.02

This was a matter of criticism by the different parties interested and of explana-

The Canadian Northern Railway Company filed a statement dealing with the cost of particular items entering into the heater service. As will be noted from the sub-joined statement, this gives a percentage increase average of 82 per cent for the labour and material costs concerned.

"The cost of material and labour pertaining to the above service 1916 as compared with 1919 is as follows:—

			Advance
	1916	1919	%
Oil	\$ .10 gal. 1.50 doz.	\$ .18½ gal. 2.50 doz.	85 67
Wick	11.00 each .24 per hour	17.70 each	67 83
Labour (superintendence) Labour (repairs) Labour (helper)	.37 per hour .22 per hour	.68 per hour .45 per hour	84

<sup>&</sup>quot;These figures show an average advance of 82 p.c. which is as close to actual figures as we have been able to get, after consulting our Local Freight Agents, Mechanical Departments, etc."

A general protest against the proposed increase was lodged by the Board of Trade of Weyburn, Sask. The Board of Trade of Regina, while not objecting to the increase proposed, raised some questions as bearing on the less than earlot movements. These matters were gone into, explanation being given that no increases on the service in question were involved in connection with the present application. The Lethbridge Board of Trade submitted a statement saying that its general position was to submit the matter to the decision of the Board. No objections were lodged at Vancouver, Victoria, Edmonton or Fort William.

The Board of Trade of Calgary submitted a written statement the essential

- (1) The figures as presented in the Canadian Pacific return do not set out accurately the cost of operating heaters on the through service. The essential criticism here is that the total of some 4,400 heaters required to take care of movements totalling 4,514 cars is excessive, and that there must be, to give such a total, an inclusion of the heaters used on less than carlot movements.
- (2) It is contended that the charge for the total wages of fifty inspectors for six months against the through heated car service is improper.
- (3) It is alleged that the charge for interest on heaters on a per-mile basis is incorrect. It may be noted that a check of the computation gives a corrected figure of 0·135 cents as against 0·14 cents. It is stated that the costs of operating the service include interest on investment, depreciation, and all other charges, and, therefore, the existing rate is not justified; and it is contended that instead of there being an increase the existing rate should be reduced to one-half cent per car-mile.

The capital cost for a heater is set out in the Canadian Pacific statement as being \$20. Exception was not taken to this. At the same time, the Canadian Northern gives a figure of \$17.70. The Canadian Pacific for Eastern Canada gives a replacement cost of \$18.50. The computation as to fuel expenditure is based on an average speed of 15 miles per hour. In Eastern Canada, a revised figure of 10 miles per hour was given. This appears to be more characteristic.

The points raised by the Calgary and Winnipeg Boards of Trade were gone into at Winnipeg. It was there admitted that the criticism that the car mileage as given included less than carlot mileage was correct and that a deduction of 13 per cent should be made on this account. By deducting 13 per cent, the Canadian Pacific gave, subject to the consideration of certain additional factors later referred to, a revised car-mile cost of 1.41 cents.

Leaving aside the supplementary factors of cost which the Canadian Pacific claimed and which are set out below, the figure of 1.41 cents would, by itself, show an apparent profit of 0.09 cents per car-mile. This would afford on the average car journey a slight profit amounting to 78.7 cents.

The method pursued in arriving at the corrected result of 1.41 cents is, however, based on a fallacy. It assumes that a 13 per cent reduction in the divisor of car mile go means 13 per cent in the quotient. But this reduction in the car mileage following from the same reduction in the number of cars included in the service many in the capital cest and the interest and depreciation charges based thereon are reduced by the same percentage. Consequently, the divisor and dividend having in a reduced by the same percentage, it follows that, except in so far as there are functional differences from the division not being extended, the quotient will be the same as before.

Further, it leaves out of consideration that there are three sets of divisors included: (1) total car mileage, the divisor for items 6, 9, 10 and 11; (2) mileage per individual car per day for item 12; (3) ton mileage in the case of item 13. The deduction of 13 per cent is not made in the last two cases.

The position set out in the two preceding paragraphs is evidenced if the Canadian Pacific statement as given, subject to a correction to a basis of ten miles per hour and the appropriate percentage reductions for less than carlot mileage and cars in less than carlot service, is taken. The following results are available:—

1.	Cars handled in carlot movements	3,927
2.	Mileage of cars handled in C.L	3,434,711
	Average mileage per car	874.6
	Capital Cost	78.540.00
	Interest	4,712.00
	Interest per car mile	0.13
7.	Depreciation	7,854.00
	Depreciation per car mile	9.031.00
9.	Repairs	0.26
10.	Repairs per car mile	25.056,00
11.	Terminal attendance	0.72
12.	Terminal attendance per car mile	1.533.37
13.	Office supervision	0.04
14.	Office supervision per car mile	0.20
15.	Cost of fuel per car mile	0.05
16.	Cost of handling per car mile	
	Cost per car mile	1.62

Items 1, 2, 4, 7, 9, 11 and 13, as given above, are obtained by deducting 13 per cent from corresponding figures in the Canadian Pacific statement.

The figure in the Canadian Pacific statement of 0.17 cents per car mile for fuel cost at a movement of fifteen miles per hour is in error and should be 0.13 cents.

If instead of a speed of ten miles per hour a speed of fifteen miles, as in the original statement is taken, this would mean a deduction of 0.06 cents and a reduced cost figure of 1.55 cents per car mile.

If for the sake of a still more conservative computation the Canadian Northern figure of \$17.70 for a heater is taken, the movement being computed on an average speed of ten miles per hour, the following summary statement of cost items is available:—

6 Interest per car mile	\$0.12
8. Depreciation per car mile	0.20
10. Repairs per car mile	0.26
12 Terminal attendance per car mile	0.72
14. Office supervision per car mile	0.04
15 Cost of fuel per car mile	0.20
16. Cost of handling per car mile	
	\$1.59
Cost per car mile	

A speed of fifteen miles per hour would give a corrected cost figure of 1.52 cents. If the replacement figure of \$18.50, as used in the east, is taken, the cost per car mile on a ten-mile speed is \$1.60 cents, while on a fifteen-mile speed it is \$1.53 cents per car mile.

The railway submitted that in addition to the items it had dealt with in the statement, it had not included the following which were entitled to have weight and which would very considerably add to the cost of the service:—

"We have not, in compiling the figures covering the cost of heater car service, included the following headings:—

"1. The cost in connection with maintaining heater rooms at the larger terminals, which rooms are used for the storage of heaters and charcoal and pie plates used in starting the heaters and the saltpetre for the dipping of pie plates. Nor have we included the labour employed in these rooms in looking after the items referred to. The pie plates and saltpetre alone are two very expensive items in the course of a season which are absolutely necessary in connection with the use of charcoal heaters.

"2. We have not included the cost of draying and collecting heaters. For instance, heaters in cars consigned to individual companies, such as the Scott Fruit Company, have to be gathered up and drayed to the freight shed after cars are unloaded. Likewise if Matthews-Blackwell or some other shipper desire to make shipment in heated car we have to send heaters to their warehouse to be placed in cars. The average cost of draying these heaters amounts to approximately 40 cents per heater. The same expense applies to all large terminals, such as Moose Jaw, Calgary, Lethbridge, Vancouver, etc., and is a heavy expense in the course of a season.

"3. We have not included in the expense the cost of picking up heaters at various points in the West, segregating them at the larger terminals and distributing them to various points in the West. As an illustration, on several occasions this season on account of the large number of heaters that have been used in the Okanagan valley, we have been compelled to pick up heaters at various points and segregate them at the larger centres, such as Winnipeg, Moose Jaw, Calgary, and load them in baggage cars and forward them to the Okanagan by passenger train, which has on at least two occasions involved the running of an extra section of passenger train. Likewise there is a large expense attached to the gathering of heaters in this manner and distributing them at all points.

"4. We have not included in the expense the cost of heater car messengers. Messengers are sent on all trains handling five or more cars of perishable freight when weather conditions make it necessary. These messengers are paid on an hourly rate, continuous time, being paid time and a half after being on duty ten hours and double time for Sundays and holidays. As an illustration, a messenger accompanying five or more cars of perishable freight from Calgary to Moose Jaw results in an expense of \$36. Similar service from Calgary to Wetaskiwin costs \$24. These figures are based on the actual

cost as paid to messengers the past few weeks.

"5. We have not made any allowance for the extra time required in terminals for the attention to heaters in cars of perishable freight. As an illustration, take for instance a train containing from five to fifteen cars of perishable freight. It is necessary to hold this train up in terminals for one to three hours longer than is necessary to hold a dead train in order to allow affiliate time for attention to be given to the heaters, fire pots cleaned and charcoal supply replenished. In the larger centres heated cars are switched out of train and payed to platform where the heaters can be given the necessary and proper attention. No allowance at all has been made in connection with expense of switching these cars to and from trains.

"6. There are certain expenses in connection with the handling of char-

coal which we have not included in the figures submitted.

"7. There are certain general overhead expenses of a supervisory nature which are not included in the figures submitted.

There was also raised by the Winnipeg Board of Trade the point that the terminal attendance of fifty inspectors, as shown, had not been affirmatively established to be an exclusive and the given to the heated refrigerator cars. In the hearing a common of the determinant the application, it was stated by the Canaservice and, therefore, that the charge in total was a proper one. Mr. Denison's position, in substance, was:—

"Mr. Denison: We had due notice of this, Mr. Chairman, and spent some time yesterday with the railway men in conference so that we might

understand just what they were wanting and the necessity for it. My opinion is that there is nothing extraordinary or unreasonable being adopted. If the cost of one cent, as adopted in 1916, was fair or reasonable, there is no question but what one and a half cents at the present time would be also fair enough; but we went into the figures which the railway people had available and I am perfectly satisfied with the cost of one and a half. So far as the shippers of the Winnipeg Board of Trade are concerned, we have no protest to make."

Due weight was given by Mr. Denison to the statement of the railway filed at the hearing, and in a supplementary communication of December 9 he said that the statements of cost were more or less reasonable, and that if the Board was satisfied, after giving due consideration to his submission, he had no further objection. He made the proviso that the service should be all that weather conditions would permit. This is a general obligation of the railway independent of the particular question of rates concerned.

At the sitting in Vancouver, the British Columbia Traffic and Credit Association of Vernon, B.C., hereinafter called the Traffic Association, which was interested in fruit shipments, had its attention drawn to the matter involved through questions directed to its secretary-manager, Mr. Winslow, who was present at the hearing. Subsequent to this sitting, a telegram was received from him asking for particulars and reasonable time for examination and preparation in rebuttal; and it was at the same time suggested that the matter might stand pending judgment by the Interstate Commerce Commission in connection with the investigation into the general question of heater rates and service it was then conducting. This was argued for on the ground that the American service covered a traffic directly competitive with that of the applicant. If, however, it was not obligatory to take into consideration the competitive situation, then the Traffic Association was agreeable to leave the matter of examination of cost in the hands of the Board, subject to the suggestion that the charges should be such as to warrant an entirely efficient service.

As already pointed out, the matter had been brought to the attention of the Traffic Association. After the receipt of the telegram above set out, a further direction was given to the railway to furnish copy of the application and statements in support of it to the Traffic Association; and direction was given that the said Association should file its objections, if any, within three weeks after receipt.

From communications on file, the railway obeyed this direction under date of December 4. Under date of December 12, the said Traffic Association wrote as follows:—

"While we favour the general proposition that the carriers should receive a fair remuneration for service rendered, we respectfully submit that in the framing of any particular tariff of rates there must be considered also the efficiency and reliability of the service rendered and the competitive rates and service. In these respects our traffic is under certain disabilities both as regards the performing of heater service and in respect to competitive traffic. For some time past, it has been our intention to meet the traffic officials of the Western Lines with a view to amelioration of these disabilities. We now hope that in conjunction with the fruit jobbers of Western Canada to meet the traffic officials in January or February which would permit of a hearing before the Commission, if this is required, in the spring.

"We regret we are unable at the present time to proceed as we desire, as the data for the current season is not available and will take some time for preparation. We would accordingly respectfully request that action by the Commission on the carriers' present application be in the nature of a necessary temporary relief; such action to be without prejudice to a re-opening of the case along the lines we above suggest."

In referring to the above letter which was addressed to the Chief Commissioner, the Traffic Association, in a letter of same date to the Secretary of the Board, stated its position to be that it had asked the Commission to deal with the carriers' application temporarily affording them what relief was considered necessary, but leaving the matter open, without prejudice, to be dealt with later should the said Traffic Association not be able to come to a satisfactory arrangement with the traffic officials direct; and in runther communication, dated December 13, addressed to the Board, said Traffic Association desired its telegram of November 26, already referred to, to be withdrawn.

Under date of February 10, the Traffic Association wrote enclosing resolution setting out its position, as follows:—

"That the Association bring to the attention of the Canadian Board of Railway Commissioners our strong objection to any increase in heating charges unless coupled with it there is carriers' liability.—Carried."

What is involved in this is the contention that the carrier should be a full insurer; in other words, that as a condition of the increase of rate for heater service, the carrier should accept an extended liability which it does not at present.

#### III

General Order No. 173 did two things. In the first place, as to local movements cast of Westforr it lifted the suspension which had been imposed by Order 24680, and by so doing permitted the charge of 1 cent per car mile, minimum \$2, to become effective. In the second place, it dealt with the question of group rates on the movement east to the west, and vice versa, and prescribed the basis therefor. The application as launched under date of November 28, 1919, on behalf of lines in the movement cast of the amendment of General Order No. 173 by permitting the adoption of a basis of 1½ cents per car mile, minimum \$2, is in effect, first, an application for the amendment of the portion of the order dealing with the movement from the east to the west, and vice versa; and, second, an application to file new tariffs for the movement east of Westfort in substitution for the tariffs allowed to become operative in 1916.

In support of the application, the Canadian Pacific submitted the following statement:—

# "COST OF HEATED CAR SERVICE

	Total cars handed		
2.	Total mileage	7.048	
3.	Total mileage	4,052,600	
4.	Average mileage per car.	575	
		\$63,000.00	
	Depreciation—		0.09
	Renewals based on average life of ten years per		
8.		\$6,300.00	
	Cost of repairs	8,040.00	
	ma,		
9.	Depreciation and repairs per car mile	\$11,01U.UU	0.05
LU.			0.35
	44 inspectors at 49 cents per hour (amended)	221 042 00	0.55
		\$51,046.00	0.77
	8 hours per day		
	30 days per month		
11	6 months on heaters (original)	24 768 00	
19	Terminal attendance per car mile.  Office supervision and distribution of bectors bear	22,100.00	0.61
A. 60 s	Office supervision and distribution of heaters based on salaries naid general effects.		0.01
		\$1.830.00	
	Per mile	φ1,000.00	0-04
			U- U4

The

# "COST OF HEATED CAR SERVICE .- Concluded

"COST OF HEATED CAR SERVICE.—Concluded
13. Cost of fuel per mile
6 gallons for 24 hours 10 miles per hour (amended)
15 miles per hour Oil costs 19 cents per gallon
Per mile (original)
weight 75 pounds per heater, 2 heaters per car
19,040 wicks used at 20% cents each \$4,096.00 Cost per mile (additional)
Amended cost per mile (amended)
"(The word 'original' in above statement refers to statement of 1.47 as originally filed word 'amended' points out the particulars in the schedule giving total of 1.89.)"
The Grand Trunk also furnished the following detailed statement:-
"COST OF HEATED CAR SERVICE BASED ON HEATED CARS MOVING FROM NOVEMBER 1, 1918, TO MARCH 31, 1919
Total cars handled
Total mileage
Capital cost of 500 heaters. \$7,500.00
Interest at 6%
Depreciation—
Renewals based on average life of ten years per heater. \$ 750.00 Cost of repairs
\$1,920.10
Depreciation and repairs per car mile
1 hour applying heaters
hour inspecting heaters, allowing for one inspection en route on each car, at 47 cents per hour 287.64
hour removing and taking care of heaters after protecting
\$1,150.56  Cost of attention per car mile
Office supervisions—
Figured on wages paid office staff
Cost of fuel—
6 gallons per 24 hours 15 miles per hour
Oil costs 20 cents per gallon.
Cost of fuel per car mile
"GRAND TRUNK RAILWAY SYSTEM
COST OF HANDLING HEATERS
Season 1915-1916 Season 1918-1919 Increase
Oil
Trantong 11 00 each
Repairs
tending heaters
REMARKS
Price of Oil Heaters Season 1918-1919
\$ 8.75 Year 1912, 1913, 1914; spring Oil—Based on Coal Oil 16½ cents per gallon and Mineral Oil at 23 cents per
10.50 Fall of 1915. gallon.
12.00 Spring of 1916. 15.00 Fall of 1916. Repairs—Based on heaters repaired
16.50 Spring of 1919. between November 1, 1918, and March
18.00 1919 with latest improvements. 31, 1919.  Repairs for 1915-1916 based on 575 heaters repaired at London between Januar;
December, 1916."

The original cost statement as submitted by Canadian Pacific showed a cost of 1.47 cents per car mile. It will be noted that the statement which is given above shows a total of 1.89 cents. The increases are due to the following factors:—

at the higher wage of 49 cents per hour. This factor makes an increase of 0.16 of 1 cent per car-mile.

if the last of fact. In the first statement, the computation is on the basis of differentials per hour. It is set out by counsel for the railway that this average speed is excessive and that the computation should be made on the basis of ten miles per hour. This, with the same consumption of fuel during a 24-hour period and at the same price, gives an increase of 0.16 per car-mile.

(c) The cost of wicks used.—As set out in the evidence when the statement was prepared there were no details available as to the cost of wicks. As shown in the

statement above, these figure out 0.10 of 1 cent per car-mile.

It will be seen that the items above referred to give a total of 0.36 of 1 cent per car-mile. If the difference due to the calculations as to rate of transit per hour is eliminated this will still leave 0.26, or a total charge of 1.73.

It is contended that there are items of cost in connection with the service which cannot be reduced to dollars and cents. One important one is the service performed in distributing heaters. There are central holding points for heaters at inspection points. At a large terminal like Montreal or Toronto, these heaters may have to be sent out to some private siding for heating a car that has been loaded outwards. In some cases the heaters have to be distributed by team. When there is a line haul involved, if the forwarding of the heater to the point concerned is not one involving emergency, the movement is by freight. In cases of emergency they are moved by passenger trains. Reference was made to a carload of heaters moved by passenger train to St. John on January 6, part for local use and part for distribution.

In connection with the distribution of heaters it is contended it is necessary to make use of other employees in distribution at terminal points. A building is maintained at Mourreal for storage for eastern lines of these heaters during the summer

months. This building is said to have a rental value of \$2,400 per year.

While the hearing at Ottawa was widely circularized by notification to trade indices, there was but little protest. A telegram was received from the Quebec Board of Trade, but as received it referred to an increase of 1½ cents and a protest against i.i. Obviously the Board of Trade was proceeding on erroneous information, as the increase involved was one-half cent. It may be that there was an error in transmission of telegram; but no information bearing on this was filed and nothing

further developed from the Board of Trade in question.

Mr. Marshall, for the Toronto Board of Trade, drew attention to some of the convisions of the cost statements, particularly as to the question of terminal costs, and to the number of inspectors necessary. The criticism turned more particularly in the statement of facts which had been made in connection with the 1916 investigation, wherein it was set out by a witness for the Canadian Pacific that a man got in this service could occasionally be used in other services of the railway. Counsel for the railway affirmatively stated that on the changed conditions and the matteral doubling of mileage under heat at present as compared with 1916, the full time of the taen in question was taken up with the heater service; and Mr. Marshall said he accepted this statement.

The general position as submitted by Mr. Marshall was:-

"Ir so far as the members of the Toronto Board of Trade are concerned, there is no objection whatever to the tariffs of the carriers being increased from one cent per mile, minimum \$2, to 1½ cents per mile for heated car ser-

vice, providing of course we get a really good service, and that the Board find after examining the statements submitted by the carriers that their costs are approximately right."

Mr. Tilston, for the Montreal Board of Trade, interposed no objection.

The position taken by the Traffic Associations, as already referred to, is tied up to the position as taken by Mr. McIntosh, of the Fruit Commissioner's office, who appeared on behalf of the following:—

The Ontario Fruit Growers' Association.

The Nova Scotia Fruit Growers' Association.

The British Columbia Credit and Traffic Association.

The Nova Scotia Shipping Association.

The Western Canada Fruit Jobbers' Association.

The Ontario Vegetable Growers' Association.

The Niagara Peninsula Fruit Growers' Association.

The Quebec Department of Agriculture.

Included in this list is the Traffic Association, and Mr. McIntosh read into the record a telegram from Mr. Winslow, the secretary-manager of the association, dated December 30, as follows:—

"Suggest to this Board that the traffic officials of Western Lines have been invited to meet fruit growers, shippers and jobbers of Western Canada in conference at Vancouver the last week in January for discussion of heated service with a view of more practical arrangements."

The subsequent statement by the Traffic Association has already been set out.

Mr. McIntosh desired that opportunity be afforded for further written submissions on behalf of the Director of the Co-Operation and Markets Branch, Ontario Department of Agriculture, Mr. A. H. McLennan, Vegetable Specialist, and the Potato Council of Ontario. The time which has elapsed has been amply sufficient for the filing of such submissions. None have been received. He also stated a request on behalf of the Fruit and Vegetable Trade of Montreal that a hearing be held in that city, or that they be permitted to file written submissions. The same comment as above may be applied here.

There has just been received the following resolution passed at the  $\Lambda$ nnual Convention of the Ontario Vegetable Growers' Association, this resolution being sub-

mitted under date of February 25:--

"Moved by J. J. Davis, seconded by Henry Broughton, that whereas the present heated refrigerator car service as now provided by the Canadian railways, has not been satisfactory in the handling of different varieties of vegetables, particularly onions and potatoes, causing heavy losses and waste of foodstuffs, due to the fact that heaters have not received proper attention in transit, the Ontario Vegetable Growers' Association, in session in Ottawa, January 15, 1920, go on record as being opposed to any further increases in the charges for a heated refrigerator car service under rules and conditions now effective; further, that this association strongly recommends that application be made to the Board of Railway Commissioners for an order requiring the railways to provide a carriers' protective service under which the railways assume liability for loss due to freezing or from artificial overheating not the direct result of negligence of the shipper, and that the railways be permitted to impose a reasonable charge for this service in addition to the regular freight charges; and further that a copy of this resolution be filed with the Board of Railway Commissioners.—Carried unanimously.

As to the question of increased renumeration, Mr. McIntosh did not take exception to the increase in cost. At p. 133 of the evidence, volume 321, he stated: "I think under the present cost of operating that they are entitled to more money for their heated car service;" and at p. 134 he stated: "I do not think there is anything to be gained by keeping the railway companies from a charge they are entitled to for the remainder of the season." He coupled with this, however, the position that the railway should accept the liability of a full insurer. Further statements were submitted by him as bearing upon the inadequacy and defects of the service rendered, it being stated by him, on behalf of some of his clients, that certain vegetables were damaged in transit from excessive heat while others were damaged by frost. The question of the service rendered and the obligation of the railway in connection therewith, as distinct from the matter of being a full insurer, is something which is not necessarily tied up to the discussion of the rate in question.

In the evchange of opinions which took place at the hearing in regard to the question of the carrier assuming the liability of a full insurer, reference was made

to the classification provisions in this respect as tied up to the class rates.

The increase as at present proposed is justified by the railways on the basis of cost and independent of any element of profit. On the basis of the figures submitted the increase asked for does not cover the full cost involved. If a carrier is to be a full insurer, it is obvious that the increase in the heater rate herein proposed cannot make any contribution to an insurance fund out of which the railway would pay such lesses as might accrue from this extended liability as a full insurer; and this being so, it further developed in the course of the discussion that there was nothing before the Board as to what rate would properly take care of this liability, nor was Mr. McIntosh, who advanced the proposition, able to make any submission which would be helpful to the Board in arriving at a conclusion in the matter. This is not in criticism of Mr. McIntosh, who was simply advancing a principle and who had not in his possession the detailed statistics which it would be necessary to have in striking a rate such as would be necessitated by the extended liability he contended for. At the same time, it may be referred to as indicative of some of the difficulties which must be faced.

As was clearly pointed out by the Chief Commissioner at the hearing, this phase of Mr. McIntosh's contention was injecting into the discussion a proposition which had not been discussed; and that if it was the desire of the parties interested to have such matter brought up, then it would have to be dealt with in the regular way.

As already pointed out, the rate of one cent per car per mile as applicable in the West was worked out by consent of the parties interested. Where shippers' representatives and representatives of the railways sit down together and work out what appears to them to be a reasonable basis of rate, the agreement so arrived at must be given due weight and not lightly disregarded, as would be the effect if one of the contentions of the Calgary Board of Trade in regard to a reduction of the existing rate were acceded to.

The practice of shippers and railways endeavouring, through conference, to agree up in rate rearrangements and iron out their difficulties is one which is much to be commended. There has been on the whole a very distinct improvement in this respect during the past ten years of the Board's history. The function of the Board is not to make rates in the first instance, but to deal with the apparently irreducible minimum of grievance. At times, a railway has taken the position that because a complaint has been filed with the Board it would be improper for the railway, pending hearing and adjudication, to discuss the matter with the applicant, with the view of arriving at some satisfactory conclusion. It may be emphasized that the Board does not take any exception to such adjustment being worked out.

The rate basis of heater car service in the West was a consent one. There is substantial consent that an increase, subject to the Board's analysis of the figures

submitted, is justifiable. An analysis of the figures both east and west justifies the

increase asked for.

The increase in the west and the increase in the east and as between the east and the west may go in, subject to the increase in the maximum rates of the groups as provided for in General Order No. 173 being limited to 50 per cent. This point was not developed in the original application as filed, but on being brought to the attention of the railways at the hearing was agreed to.

In view of the extended hearings which have taken place, the Board is justified in authorizing that the increase in rates shall become effective on seven days' notice.

PEOPLE'S GAS SUPPLY CO., OTTAWA, re TRANSPORTATION OF DANGERÔUS ARTICLES OTHER THAN EXPLOSIVES

This was an application made by the People's Gas Company, Limited, for repeal of, or an amendment to, the second paragraph of rule 1861 (j) of the Regulations for the Transportation of Explosives and other Dangerous Articles by freight. This rule was put into effect by Board's General Order No. 260 of March 17, 1919, amending General Order No. 203, and was the result of the application of the Prest-o-lite Company of Canada, Limited, for an order amending the regulations approved by said general order.

The rule complained against is as follows, and, as pointed out, the objection is

to the second paragraph thereof:-

(j) Cylinders containing acetylene gas must be completely filled with a porous material that has been tested with satisfactory results by the Bureau of Explosives, and this material must be charged with acetone, or its equivalent, not to exceed 40 per cent of the interior volumetric capacity of the cylinder. The pressure in cylinders containing acetylene gas must not exceed 250 pounds

per square inch at a temperature of 70° F.

Cylinders containing acetylene gas must not be shipped unless they were charged by the person or company by or for whom the cylinders were manufactured, provided that they may be charged by a person or company having possession of complete information furnished in writing by the person by or for whom the cylinders were manufactured, showing the nature of the porous filling and solvent in the cylinders and the meaning of the test markings, solvent indicator markings, and other markings on the cylinder."

The applicants claimed that the enforcement of this rule would mean compelling

them to go out of business.

Prior to the passing of this rule, the rule that was in force, and which was applied, was as follows:—

"Cylinders containing acetylene gas must be made of tough steel and must be completely filled with porous material that has been tested with a satisfactory results by the Bureau of Explosives, and this material must be charged with acetone, or its equivalent, not to exceed 40 per cent of the interior volume capacity of the cylinder. The pressure in cylinders containing acetylene gas must not exceed 250 pounds per square inch at a temperature of 70° F."

The contention of the People's Gas Company is that Prest-o-lite people, having failed in the courts, the object of this amendment is to preserve to the Prest-o-lite Company the right to control the filling of their tanks, and to exclude the People's Gas Company from carrying on a business they are otherwise empowered by the Parliament of Canada to carry on.

The facts are fully set out in the judgment of Mr. Commissioner Goodeve, dated March 4, 1920, concurred in by Assistant Chief Commissioner McLean and Deputy

Chief Commissioner Nantel.

Hold that the confusion arrived at by the Interstate Commerce Commission, as a cost of its of cisions, 55 Lett. 544, governs this case and that the rule should be unemick in a similar manner to that of the Interstate Commerce Commission, subject to a deliberal superbar every manufacturer of cylinders for the shipment of acetylem gas in tunnels deliberal with the Inspector of the Bureau of Explosives at Formto, complete intermittion as to the nature of the porous filling, the kind and manufacture in the cylinders, and the meaning of such markings on the cylinders as no transfer displaying Board's regulations, together with the serial number of acetylene gas to the Bureau of Explosives for information of my manufacturer of acetylene gas to the Bureau of Explosives for information a cost of the same should be furnished.

DISPOSITION AND PROTECTION OF EXPRESS MATTER UNLOADED AT FLAG STATIONS

in by Chief Commissioner Carvell, Deputy Chief Commissioner Nantel and Commissioners Goodeve and Boyce. 26, Can. Ry. Cas., 35.

The express receipt provides by subsection (m) of section 5 that the company shall not be liable "for any loss or damage occurring to shipments addressed to stations where there is no agent of the company after such shipments have been left at such stations."

Complaint has been made from time to time that parcels of express are left on the platforms of flag stations, with the result that loss and damage occur in connection with them

It was pointed out by the express companies that the amount of business done at a flag station point does not warrant the expense of maintaining a separate caretaker; and it is further stated that the express messengers are not permitted to leave their cars. The contention advanced by the express companies that as a rule shipments for flag station points are expected by the consignee who meets the train, the time of arrival of which is well known, is a contention to which much exception is taken; and much of what is said by way of criticism here is justified.

In general, the express companies, the answer of the Dominion Express Company being taken as typical, submit that they are doing all they can to have the goods protoned, and that mussengers have instructions to see that shipments are unloaded on the platform; and that where there is a shelter the trainmen, in general, see that the goods are put in the shelter; that, generally speaking, at points on the railway, the outputy has some one on duty most or part of the time; the express shipments are looked after by such person or persons; and the route agents of the express companies going along the line endeavour to learn whether or not such shipments are taken care of in a reasonable way.

The numerial submitted before the Board does show some legitimate reason for amplaint. There are undoubtedly some losses and damages. At the same time, the Board has to deal with the matter from the standpoint of what is practicable. The Board has resignized in connection with the provisions as to flag stations that the requirement of the same or similar facilities at a flag station as at a regular station would, from the standpoint of the volume of traffic involved, be unfair. If the analysis, in the case of a flag station, a burden of expense analogous to that properly burne by a regular agency station would not only mean an unfair most into the revenue, but would mean that the railways would be exceedingly chary in establishing flag stations if regular station expenses at once attached.

The matter was gone into very carefully in the judgment of the late Chief Commissioner Mabee in connection with the issuance of the flag station order; and reference to what is therein set out may be made. What has been said in regard to a station where the installation of an agent has not been found justificable would appear to apply with equal force to express business. To require at a flag station which has small traffic that some person should be employed to handle the express parcels would mean, in many cases, a payment out of revenue considerably in excess of what would be received from the express business to and from the point in question.

At the time the flag station judgment and order issued, the Board, first of all, canvassed the situation in the adjoining States of the American Union with a view to learn as much as possible from their experience. In the present instance, the Board directed the following questions to a representative list of railroad commissions

in the United States:-

- (a) Is the shipment handled forward to the first agency point beyond, notification being sent to consignee from said agency point?
- (b) Is the express shipment simply put off on the platform at the non-agency point, and what liability attached to Express Company when this is done?
- (c) Is there any obligation imposed on the Express Company, or on the train crew, when shipment is put off at non-agency point to put same in the freight shed or other shelter existing at said non-agency point?

A summary of the situation from different commissions may be given:-

In the state of New York, when shipments are destined to a place where the express company has no office, the shipment must be marked with the name of the

express station at which consignee will accept delivery.

In the state of Georgia, provision is made that where a shipment is consigned to a non-agency station, then, unless otherwise ordered by the shipper, the shipment is carried to the nearest agency station where it is put off, and consignee is notified by the agent that shipment is at such station. If the shipper notifies the express company that he desires shipment put off at a non-agency station, it is put off entirely at his own risk. Further, where a shipment is put off at a non-agency station, there is no obligation imposed upon the express company or train crew to put the same into a freight-shed or other place of shelter.

The Minnesota Commission states the practice in regard to non-agency stations is that shipments are carried forward to the next express agency point beyond the non-agency point, unless some one is at the latter point to receive the shipment and pay the charges; or if the shipment is prepaid, a notice is inserted in the waybill to put shipment off at non-agency point at owner's risk. There is no rule requiring express companies to put express into freight shed at non-agency points.

The Railroad Commissions of Wisconsin, Missouri, and Iowa report similar

regulations, these being governed by the official express receipt.

A similar statement is made by the Public Utilities Commission of the state of

Illinois.

The Public Service Commission of Indiana states that the regulations of the American Railway Express Company, which at the time of writing was operating under the supervision of the Federal Government, apply to the matters involved: and in this connection it enclosed a copy of a letter from Mr. H. B. Calkins, Superintendent, American Railway Express Company, at Indianapolis, from which the following is an extract:-

"It is the custom in the United States when a shipper wishes express (other than money, valuables, or C.O.D. shipping), put off at a station where there is no express agent, the charges must be prepaid, and the express receipt

must be endorsed 'Put off at destination at my risk,' signed by the shipper. The shipment must be endorsed 'Released—Put off at owner's risk.' In this case, a duplicate of the receipt is made and kept on file at the express office at point of origin.

"The express company will not accept a package of money or a valuable package, or a (0.0.1), package with the understanding it would be put off at

owner's risk."

Mr. Calkins also states that in the case of a shipment destined to a so-called inland town off the railroad, unless the shipper designates an express office where he desires the shipment billed to the express company ascertains a nearest express office to destination and forwards the package there. The agent there sends a postal notice to the consignee announcing the arrival of the shipment.

It will thus appear from the summary given that the experience of various regulative tribunals in the United States does not disclose anything which would be he'pful by way of indicating the line on which there might be an extension of

obligation.

While the Board has recognized that a certain minimum is necessary before the Board would be justified in directing the installation of a regular agent at a point which has hitherto been a flag stop, at the same time it has recognized the propriety of having caretakers installed at points whose revenue falls below the \$15,000—the minimum as set out in the flag station order. No rigid rule as to the amount of traffic necessarily involved or the amount of revenue therefrom necessary to justify the installation of a caretaker can be set down. The particular facts have to be given consideration in each case. I am unable to find from the records of American state commissions that the practice of having caretakers with defined functions at flag stations have been developed in the United States as a principle in the way it has been developed here.

An analysis of the orders dealing with the appointment of caretakers has been made. In some cases, orders have issued which have not provided for the handling of express traffic as one of the functions of the caretaker. An analysis of some ninety-three orders in which provision as to express matter is contained has been made. The general provision as to the obligation of the caretaker is, in summary, "to keep station clean and heated for passengers on arrival and departure of trains,

and to care for L.C.L. freight and express matter."

Of the ninety-three orders in which these provisions, or words equivalent, will be found, some forty-three are to be found in the provinces west of the Great Lakes.

After careful consideration, I am forced to the conclusion that it would be not only impracticable but also unfair to direct that at every flag station at which express matter is or may be received there should be an agent or employee to receive and take care of such express matter. For the reasons already set out, the matter must be dealt with in an average way. I am of the opinion that in every case where the Board deals with the appointment of a caretaker, the question of express traffic should be given weight, and that in every order issuing in the future one of the functions of the caretaker should be to take care of express traffic.

While I recognize that there are some individual cases of hardship which, unfortunately, this will not take care of, I am at the same time of the opinion that at a point where, on account of the small volume of traffic concerned, the Board is not justified in directing the installation of a caretaker, it necessarily follows that at such point it would not be justified in directing the installation of some

one to take care of the express matter.

APPLICATION OF THE RAILWAY ASSOCIATION OF CANADA ON BEHALF OF THE RAILWAY COMPANIES, MEMBERS THEREOF, AND OF ALL OTHER RAILWAY COMPANIES WITHIN THE JURISDICTION OF THIS BOARD, FOR AUTHORITY TO MAKE A GENERAL ADVANCE OF THIRTY PER CENT (30%) IN THE TOLLS AT PRESENT CHARGED FOR THE CARRIAGE OF FREIGHT BY THE SAID COMPANIES.

Judgment of Chief Commissioner Carvell, dated September 6, 1920, concurred in by Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel, Commissioner Goodeve and Commissioner Rutherford.

This is an application made by the Railway Association of Canada on behalf of all the railways under the jurisdiction of this Board, and consisted, first of a general application for a thirty per cent increase in all railway freight rates. Before the hearing, and as a result of the decision of what is known as the Chicago Wage Award, by which substantial increases were given to all railway employees in the United States, dating back to the first of May last, a supplementary application was made asking for a further increase of ten per cent in all freight rates; twenty per cent in passenger fares; fifty per cent in sleeping and parlour car rates; forty per cent in

milk and twenty per cent in excess baggage.

At the hearing representatives of the different railways filed statements showing, at great length, their respective financial conditions for some years past; all showing an increase of business with a very substantial increase in operating ratio, which in other words, means the number of cents which a railway must expend in operating its road in order to earn one dollar, which was alleged by counsel for the Railway Association, as the surest test of the financial condition of any railroad, and, unfortunately, with the exception of the Canadian Pacific Railway, which was unsatisfactory, practically all the other roads showed that it was costing as much, or more, to operate them than they were receiving; and the term "operating ratio" does not take into account anything in the way of fixed charges or dividends.

The Canadian Pacific Railway statement shows the following for the past four

years:-

		Cal	end	la.r	Yea	J°				Operating Net Earnings	Operating Ratio
1916						5				50,476,499 46,546,018	63.87
1917										34.502.387	78.16
1918 1919										32,933,036	81.39

while for the six months ending June thirtieth last its operating ratio had jumped to 87.58 per cent; and in the report for July just filed with the Board, excluding

taxes and including increased wages it had increased to 91.43 per cent.

The operating ratio of the Grand Trunk for the year ending December 31, 1919, was 87.43 per cent, and for the six months ending June 30 last, was 99.97 per cent. For the Canadian Northern System, not including the Intercolonial or National Transcontinental, the operating ratio for the year ending December 31, 1919, was 112.08 per cent, and for the twelve months ending May 31, 1920, 117.61 per cent. According to estimates filed with the Board, the result for 1920, if increased wages were granted, as hereinbefore referred to, and no increase in the traffic rates, the operating ratio would be 134.23 per cent. If the wage increase were granted as from the first of May last, and the full rate increases from the first of September, instant, the operating ratio would be 119.59 per cent, and the estimated result of operations for twelve months on the 1920 basis, with both wage and rate increases granted, would still leave an operating ratio of 105.01 per cent.

All the counsel, representing the opposing interests based their case upon the financial statement of the Canadian Pacific Railway and practically all the evidence, outside of the financial statements above referred to, dealt only with that railway, and therefore, in arriving at a judgment I am forced to refer almost exclusively to the condition of the Canadian Pacific Railway in order to arrive at proper conclusions.

Mr. Moule, the assistant comptroller for the Canadian Pacific Railway Company. stated that the reserves of the company could be placed at \$317,000,000, but of this mmant stea,000,000 would only be available after the lands were sold. He also stand a convidence that at the present time the "liquid assets" consisted of \$5.4,000,000 in cash and accounts collectable amounting to about \$16,000,000, making a total I solloon, out which about \$37,000,000 was represented by Imperial and Domition Conforms, at securities. As against this he stated that there were accounts spine in I to be paid amounting to \$27,000,000 and also alleged that within four that affively million collars of actual cash must be provided for the retirement of notes and or ug in March, 1921, although by that date the cash fund should be our mentor that earls detable extent by the receipts from land sales which are specially allocated to meet these obligations. Notwithstanding these facts it was contended by Mr. Geary, counsel for the city of Toronto, and Mr. D'Arcy Scott, for the Gayrennium of Saskatchewan and the National Dairy Council, that no matter what the lass might be in operation, any deficit required for the payment of dividends should be taken from the reserves so long as the same lasted, instead of increasing the rates as applied for.

Mr. McMaster, counsel for the Canadian Manufacturers' Association, as I understood him, contended that the rates should be so adjusted that the Canadian Pacific Railway would be able to pay its dividends without drawing upon its reserves, but nothing further. Mr. Symington, counsel for the province of Manitoba, was not patterns and Mr. Coppe, representing the amalgamated Boards of Trade of the three Prairie Provinces, would draw upon the reserves to some extent if necessary

for the payment of dividends.

I am unable to agree with any of these contentions and much less with that of Mr. Geary because, should his doctrine be followed to its logical conclusion, in a very short time the cash reserves would be dissipated, and it would only be a question of time when this company would find itself in the position of the Grand Trunk and

Canadian Northern systems.

If the Canadian Pacific Railway Company has, for many years past, kept an outstanding position among transportation companies of the world, it is because, through wise business management they have been able to place themselves in such a financial position that the financial world has faith in the institution, and perhaps none of us realize the value which this financial status has been to Canada in the outside world during recent years, the most outstanding case being the loan of an institution of the lambda architecture of the lamperial Government, which was actually hypothecated in the United States for the purchase of munitions during the great war.

But, apart altogether from this phase of the question we have in the actual conditions in Canada, that about which there can be no speculation whatever. It is known, from their financial statement, that they have actually put into the road out of reserves, proceeds of land sales, etc., \$130,000,000, which has probably been expended more or less in every province in Canada through which the road runs, in bettering conditions and fitting it to that extent to better serve the public as a common carrier; and, according to the evidence, during the present fiscal year, they have already expended in a tempos 2000 poor of our of reserve" for the construction of branch lines in Western Canada. Under the present financial conditions all counsel above referred to, I make would admit that none of these branch lines would be possible during the present year if the Canadian Pacific Railway Company did not have the reserve from which to draw for this purpose, but, even supposing they were able to sell securities to the public it would mean an increase of their fixed charges or dividends which would have to be mot out of earnings, and every addition to capital expenditure and therefore, considering the question there is a majorial Leonsider it a national necessity that the Canadian Pacific Railway at least be kept in a healthy financial condition with the hope that, as a result the other great railway system may be benefited in a corresponding degree.

The financial statement of the Canadian Pacific Railway for the year ending December 31, 1919, showed a surplus of \$844,249. It was contended and was not denied, that should they pay the increases to their employees, based upon the Chicago Award, without receiving any increase in rates, the 1920 balance sheet would show a deficit of many millions of dollars. The above mentioned award, if adopted by this company, would require an additional wage expenditure before the 31st day of December next, of \$14,822,300 and for the next full year nearly \$22,000,000, and, if adopted by the other roads would mean the same proportion of increase.

It was strongly contended by many interests, that the Board in making its decision, should take into consideration only the financial requirements of the Canadian Pacific Railway Company, and whatever deficit there should be in the operation of the Canadian National System should be borne by the country out of ordinary taxation. In replying to these contentions the representatives of the Canadian National Railway pled most earnestly for the full increases asked for, claiming that were they granted, and they paid the wage increases above referred to, their operating ratio for the next year would be 105 per cent, and they only asked to be placed in such a position that they could run the railroad without going to the country for assistance, admitting for the present at least, that the country should take care of the fixed charges as well as the deficit which was sure to result from the operation of the Intercolonial and National Transcontinental systems.

Before attempting to arrive at the amount of increases, if any, to be granted, I take it the board must first decide what policy it will adopt with respect to these opposing contentions. While I realize that, to a very large extent, the financial requirements of the Canadian Pacific Railway must govern our decision, yet I would be very sorry to take the attitude that we should not in any manner consider the requirements of the Canadian National System.

It would be entirely useless, for the purposes of this decision to at all enter into the history of this great system; suffice it to say it is now a reality which the people of Canada own and must work out to the best interests, not only of the railway, but

the country as a whole.

Reference was made, during the course of the hearing, to a statement made by the Minister of Railways in Parliament in the month of March last that it was a question for the House to decide as to whether the deficit of \$17,000,000 on the Canadian National System should be met by rates or taxes upon the people. Parliament sat for nearly three months after this statement was made and prorogued on the last day of June without having taken any action; and therefore this Board must approach it from the standpoint of the law as it now stands, which imposes upon this Board the duty of "fixing, determining and enforcing just and reasonable rates," not only for the Canadian Pacific Railway but for all other railways under its jurisdiction. Therefore, as only one rate ought to be made for all companies the real question to be decided is, what are just and reasonable rates, considering all the circumstances of all the railways of Canada as they exist to-day. What might be considered a just and reasonable rate for one company might be an unjust and unreasonable rate for another, and therefore, I take it we must arrive at that medium which will on the whole, be just and reasonable in so far as it is possible to do so, and, at the same time be just and reasonable to the community who have to pay the tolls.

If we give a rate which will barely allow the Canadian Pacific Railway Company to pay its fixed charges and dividends, or a lesser rate, then it is absolutely certain that the Canadian National Railway System, including the Grand Trunk, Grand Trunk Pacific, Intercolonial and Transcontinental, and for the purposes of this judgment I am considering them as a part of this system, will face an operating deficit of at least \$50,000,000 per year, assuming that the wage award is adopted and including the Intercolonial and National Transcontinental and Grand Trunk Pacific Systems.

The National system will therefore be condemned at its birth to a condition, which practically for all time to come, or at least for many years, will force it to Parliament annually for money with which to pay the operating expenses of the road. Such a condition must necessarily prove very discouraging to its managers and officials.

In my judgment that is not in the best interests of the country, as a whole, and therefore while not attempting to grant a rate which will immediately place the Canadian National System upon a self supporting basis, yet it should be one which will at least give its managers the hope that by wise and prudent operation this happy end may be attained, and that it may, within a reasonable time reach a position of independence without which, I fear, nothing but disaster can be the result.

According to the statement furnished by Mr. Beatty, president of the Canadian Pacific Railway Company, assuming that the wage award is adopted, and assuming that the full increases asked for are granted, their deficit would be \$62,179 at the end of the present year, and, in order that there may be no misunderstanding, I quote that portion of the statement as follows:—

The anticipated results for the year 1920 have been estimated on the following

-			sis:—
\$92,057,58	ease in freight	oer cent incre	The actual gross earnings for the first six
112,600,00	s for the last	ffic, the gros	traffic and 10 per cent in passenger tra half of the year are estimated at Estimated on sleeping car and commutatio
\$205,307,58			Estimated gross revenue
		\$80,629,400	Operating expenses, January to June, inclusive
	\$169,921,209	89,291,800	of 1919, without added wage or material costs
	ψ100,0 = 2,= 0 0	\$4,293,000 6,112,000	Add advance in cost of fuel
		400,000	Sales Tax.  Overtime train service at one and one-half.
	11,570,000		112411
\$181,491,20 23,816,38	assuming 20	rates fou months	Total estimated operating expenses Estimated net for 1920 without advance in 30 per cent increase in freight rates for
16,563,60		,	per cent increase in freight traffic
\$40,379,98 3,068,83			Estimated net Estimated Income Tax
\$37,311,04 32,579,07			Net after Income Tax Fixed charges, Dividends and Pensions F
\$4,731,77			Surplus
	\$14,822,300	\$7,113,750 7,708,450	Wage award if applied in Canada— Four months, May to August, inclusive September to December, inclusive
	\$14,0 <i>22</i> ,000	\$5,521,200	Estimate of revenue from supplemental application— Freight, 10 per cent
		3,619,300 828,565 32,410	Passenger, 20 per cent
\$4,793,9	\$10,028,350	20,818	NARBARO, NA POL COLLET
\$62,1	-		Deficit
	-		

In arriving at this conclusion we must take into consideration the fact that his increases are based upon a period of four months from the first day of September while now they will be somewhat less than that, and which to that extent would increase the deficit, and also that eight months increased wages will be paid during this present year.

This naturally leads to what would be the result assuming that the full increases were granted, when applied to the fiscal year of 1921, and it must be admitted that this is to some extent a matter of speculation. Mr. McMaster furnished a very interesting statement for the year ending June 30, 1920, in which he estimated a surplus

of \$26,000,000.

For the purpose of this decision, however, I think the fairer way would be to take the estimate of the Canadian Pacific Railway for the year 1920, and attempt to figure out what the result would be during the next fiscal year, assuming the same volume of business and the same general conditions as we know to exist during the

present fiscal year.

I have therefore prepared a statement, based upon the evidence adduced, showing the estimated gross revenue for the year 1920, first without increased rates, and secondly with the full increases asked for, and also the estimated expenditures. Included in the latter is the item of \$6,250,000 for increased labour necessary to bring the maintenance of way up to the average of pre-war years. I have also in the statement shown the estimated receipts to some extent divided. Instead of the miscellaneous item, I have shown the amounts receivable in the different items making up the account. These latter items have been furnished, at my request, by Mr. Moule and are not found in the exhibit filed in the same detail as contained herein. The result of this calculation both of estimated receipts and expenditures is as follows:—

# ESTIMATED GROSS REVENUE FOR 1921, BASED ON 1920, WITHOUT INCREASED RATES

Freight, Eastern lines (including 20 per cent increase second	
half year)	\$63,000,000
Freight, Western lines (including 20 per cent increase second	4 /
	74,000,000
half year)	270,000
Switching, Eastern lines	
Switching, Western lines	330,000
Passenger (deducting Coolie business, but including 10 per cent	
increase in latter half year)	45,000,000
Sleeping and parlour car (including full year 20 per cent	
Sleeping and pariour car (herdung the feat at per	
increased rates in effect and 10 per cent increase in	5,000,000
business second half year)	
Milk	250,000
Excess baggage	400,000
Express	7,000,000
Mail	1,500,000
	470,000
Demurrage	2,950,000
Hire of equipment	450,000
Storage of freight and baggage	
Grain elevators	1,000,000
Parcel rooms	130,000
Rents and miscellaneous	2,000,000
Rents and inspendituous	
	\$203,750,000
	1

\$217,231,000

ESTIMATED REVENUE FOR 1921, BASED ON 1920, WITH	INCREASES
Estimated gross as per above	\$203,750,000 54,800,000 240,000 9,000,000 2,500,000 100,000 80,000
Estimated expenses as per attached	\$270,470,000 217,230,000
Net revenue	53,240,000 11,350,000
Net income	\$41,890,000 4,398,500
Dividends	\$37,491,500 \$22,427,000
Surplus	\$15,064,500
ESTIMATED EXPENSES FOR 1921 ON PRESENT BASIS	
Actual expenses to June 30, 1920 Estimate of expenses, July to December, assuming same oper-	\$80,629,000
ating ratio as last year	89,292,000 21,000,000
Increase in cost of coal for locos— 4,200,000 tons at \$2.10	8,800,000
600,000 tons (Inland S.S. Lines station buildings, power plants, etc.)	1,200,000 8,335,000 750,000 1,000,000
prior to war— 134 days per mile of mile per annum	6,225,000

This shows an estimated surplus for the next fiscal year of \$15,064,500, which is 12 Mar 1901 on the company should be entitled to, and which is probably a little less than the actual surplus would be for the year's operation, as possibly the increase In the minimum of way labour might not be realized. As against this, however, for reasons hereinafter stated, the gross revenue would not be as great as I have

This brings me to the question what rate of increase, if any, should be granted. Practically the whole argument of Messrs. Symington and Coyne, outside of the general statement as to the payment of the dividends herein referred to, was based on the allegation that the rates in Western Canada were greater than those in Eastern Canada. This has been a burning question with the people of the West at every rate hearing since the organization of this Board, and as the matter was so thoroughly discussed in the "Western Rates Case," 17 Can. Railway Cases, 123, and decisions arrived at, I feel it unnecessary to enter into any lengthy analysis of figures to show to what extent, if any, this claim is justified.

The eastern rates apply to that portion of Canada east of Port Arthur (including Port Arthur eastbound), and the western rates to the territory west of Lake Superior in indian For Arion we abound). It was admitted by all parties at the hearing that the country ratio in Western Canada was somewhat less than in the east; that the fresh to pur train was greater in the west than in the east, and that about 55 per cent ef the treal image of the Canadian Pacific Railway system was in Eastern Canada and 45 per cent in Western Canada.

In order to satisfy myself of the facts, I have investigated the tariffs, both east and west, applicable to the more important traffic movements. I find that on building brick, sand, gravel and crushed stone, also on green vegetables to and from distributing points, the carload rates are lower in the west than in the east; that on rough or partly dressed building stone the western rates are the lower for the shorter hauls and slightly the higher for the longer, with parity in some of the mileage blocks; and that on cheese, eggs, and fresh meat the carload tariff to and from distributing points is lower for distances to between 150 and 200 miles and higher for the longer movements than in the east.

On lumber, while the shorter haul rates are lower than, or the same as, those in the east, and higher for the longer distances under the mileage tariff, the specific point to point tariff, which really governs the bulk of this traffic, is considerably higher in the west than for similar distances in Eastern Canada. In dealing with a station to station tariff, however, a mere comparison of similar distances is not always conclusive, since a density of movement on the one side may be counterbalanced on the other.

As to live stock; while there is little difference between the west and east rates in the mileage tariffs, the point to point western tariff is in general the higher, taking movements to Winnipeg and Montreal as illustrative.

As regards agricultural implements shipped in carload lots from distributing points; up to 100 miles the western rates are lower than the eastern for some distances, and are the same for others, but above 100 miles they rule higher—considerably so for the long hauls. The carload mixing privilege is, however, more liberal in the west than in the east.

When we come to general merchandise, or what is referred to as class freight, I find that the western rates are considerably greater than the eastern, whether they be those of the standard maximum mileage tariffs or those of the special tariffs from distributing points.

It is somewhat difficult to form a comparison of the grain rates between the two divisions because practically all the grain rates in the West are based upon Fort William or Port Arthur, and we have no such distances in the East as we have in the West, but, generally speaking, the following table affords an indication, taking Windsor, Ontario, as the starting point producing the longest eastern hauls of Ontario grown grain:—

	Miles	Cents
Windsor to Montreal	555	35½
Brandon to Fort William	553	17½
Windsor to Lennoxville	657	32
Wapella, Sask., to Fort William	655	21
Windsor, Ont., to St. John, N.B	1,033	36 <u>⅓</u> 28
Hatton Sask to Fort William	1,032	28

Allowing for the undoubted fact that a very large proportion of the traffic both east and west is on the commodity basis, I am still forced to the conclusion that the rates in Western Canada average considerably greater than in the east, possibly around 15 or 18 per cent.

In coming to this conclusion I am stating nothing new, as this fact has always been recognized, and particularly so by Sir Henry Drayton, the then Chief Commissioner, in the Eastern Rates Case, so called, In re Eastern Tolls 22 Can. Ry. Cases at page 41, where the following statement appears:—

"While, as has been set out at greater length in the Western Rates case, differences of conditions do exist between Eastern and Western Canada, and while western freight rates have already materially been reduced, the general schedule there obtaining is still higher, notwithstanding the fact that certain western rates that may be instanced are lower. There is no doubt but what

the Act requires and the general public interest of the country, as a whole, demands, that, if practicable, eastern rates should be advanced so that the different schedules may more nearly approach a parity."

This principal should be followed. Giving weight to the conditions set out in Re Western Tolls as affecting the relative levels of tolls east and west of Fort William and also bearing in mind changes in conditions which have taken place, I am of the opinion that it is justifiable to allow a reasonably less percentage of increase on freight tolls west of Fort William than east thereof. Consequently, I have concluded that an increase in rates should be granted along the following lines, with the exception of the items hereinafter specially referred to.

Until the 31st day of December, A.D. 1920, I would give a general increase of 40 per cent in eastern freight rates and 35 per cent in western freight rates with 20 per cent both east and west in passenger fares; which however should not exceed four cents per mile, 50 per cent in sieeping and parlour car rates and 20 per cent on excess baggage.

Commencing the first day of January next, and until there is another revision of rates, I would reduce these percentages on freight to 35 per cent in eastern territory and to 30 per cent in western territory, with 10 per cent reduction in passenger fares up to the first day of July next, when passenger rates should come back to the basis in effect prior to the coming into force of this judgment; but continuing the full increases in Parlour and Siceping Car rates and excess baggage. It will of course be understood that the percentages of increases in the rates east and west of Port Arthur herein granted will, in the case of through rates between the east and the west (excepting transcontinental commodity rates), apply to the east and west factors thereof respectively.

This will, in my opinion, very nearly give the Canadian Pacific Railway an even tedance short at the end of the pre-ent fiscal year, and for the year 1921, according to my estimate, should give them a reasonable surplus; but it may still leave the

Canadian National system with an operating deficit.

At the heating I was very much impressed with the argument presented by those opposing any increase on crushed stone, sand and gravel, as, from the evidence adduced, and which was not contradicted by the railway companies, they must be making a fairly substantial profit in the transportation of these commodities; but I am atrivity at this conclusion, to a very great extent, by the public necessities of Canada at the present time. Perhaps, next to the railroads nothing is more urgently required than the improvement of our highways, and any increase in the rates on the materials entering into their construction must of necessity defer this much-needed improvement; in fact it was stated by Mr. McLean, of the Public Works Department of the province of Ontario, that they were now establishing in many parts of that province emishing plants at local centres; as the rates were already greater than the traffic would bear, and therefore any increased rate would not only deprive the public of a real necessity, but would probably reduce the business and consequently the profits of the milways, therefore I would give no increase in the rates on these three commodities.

Owing to the unprecedented cost of coal today and the likelihood of the same condition continuing for some time to come, I am not inclined to grant the above general increase in this commodity. The Order in Council, P.C. 1863, gave the following increase:

In rates	50 "	9.9	4.6	6.0					rease	15 20	cents
**	100	199	6.0	1.0	 		 	 	4.6	30	6.6
11	200 "	299	6.6	11	 	 	 	 	4.6	40	6.6
	300 u	D	4.6	4.0	 		 	 	4.6	50	8.4

This scale was that prescribed in the McAdoo Order for the United States. There is no lower rate now from Black Rock to Ontario points than 80 cents, and the higher rates are \$1.80 to Kingston, \$2.40 to North Bay, Parry Sound and Depot Harbour, and \$3.10 to Sudbury. Based on the current rates I would allow the following increases, viz:—

In rates 0 to 8	cents per	ton.	 		 	 	 Inc	crease	10	cents
Over 80 to 150	cents per	ton	 			 	 	6.6	15	**
Over 150 cents								66	20	66

In the west the minimum line haul rate is also 80 cents; but the hauls being much longer than in eastern Canada, the great bulk of the territory will take the maximum increase of 20 cents. From Lethbridge, for example, the maximum increase will operate to destinations Medicine Hat and east.

The increase in the rates on cordwood, slabs, edgings, and mill refuse, all for

use exclusively as fuel, should be limited to 10 per cent.

I would also refuse any increase in milk rates as only a few months ago this

Board on a special application, refused any increase on this commodity.

I also think there should be no increase in the minimum class rate scale as established by Order in Council P. C. 1863, and now in force by a recent Order of this Board, as well as the minimum charge per shipment.

As substantial increases were given in commutation fares by special order of this Board only a few months ago, no additional increase should be given them

herein

So far, the freight rates dealt with are those charged for line hauls. Local switching rates were materially increased by the carriers about ten months ago, and these, together with the tolls for interswitching, it is not the purpose of this judgment to increase. The same must be said of the charges for such other incidental services as milling in transit diversion, reconsignment, stop-overs, demurrage, weighing and the like. Should the carriers feel that the existing tariffs do not fully compensate them for the services rendered, any formal applications they may make

will be investigated and dealt with on their merits.

In some industries the amount of increase in the rates themselves, is a consideration secondary to the preservation of the rate relationships from the points of production. For example: the maintenance of the existing spreads between the rates from the various mills in British Columbia was urged at the hearing by the lumber interests of the province. While the principle of percentage increases must necessarily disrupt these relationships to some extent, it is considered important that in the working out of the tariffs such recognized differentials as have been referred to should be preserved so far as may be practicable, even though certain rates may result which are lower, or higher than they would otherwise be.

Transcontinental commodity rates may be advanced correspondingly to the increases now permitted in the United States, preserving the relationship between

the territorial groups of the two countries that have obtained since 1918.

As under a percentage division of joint through rates each participating carrier will receive its appropriate share of the increases herein authorized, it is necessary that those railways that in joint traffic are paid an arbitrary division in a fixed amount, should receive a percentage of increase corresponding to the increase in the through rates.

As our jurisdiction for granting increases on certain lines of railway in Western Canada depends entirely upon the amendment to section 325 of the Railway Act, 1919, which expires on the sixth day of July, 1922, the rates hereby established cannot continue beyond that date unless Parliament, in its wisdom, sees fit to extend the provisions of that section. Therefore the rates herein provided for shall not extend beyond the first day of July, 1922.

Mr. E. M. Macluelt, K.C., an behalf of the Maritime section of the Canadian Mountacturers' Association and Henourable Mr. Finn on behalf of the Government or Nava Senie, arg d that in any advance which might be made the proportional arbitraries and of Montreal in existence prior to the year 1915, should be maintained. I one, however, we have not sufficient information at the present time to justify us to a summing to deal with this question, therefore, in arriving at my decision I have : a vion this into consideration, but always reserving the right of the Maritime people to agily to the Board, and also reserving the right to render a decision on Sugar and alon, new her re us, regardless of what the general decision may be hereunder.

At the bearing Mr. Kelly, speaking for the Railway Association of Canada, stated that they had decided to pay the railway employees the rates granted to the American empley on by the Chicego Award, granting back pay to the first day of May last, and and the second s I lived "there would be a general strike throughout Canada." Realizing as I do and invertity of his statement and the terrible results which would necessarily befall the problem of this country as a whole under such a contingency, I have taken his cannot be into consideration in adjusting the rates herein. It must not be forgotten that a try large part of the increase hereby granted will be necessary to take care of the merce soil stage, in the case of the Canadian Pacific Railway Company alone, amounting to nearly \$22,000,000 per year.

I realize these rates will be a substantial burden upon the people of Canada but it was admitted by all parties at the hearing that the cost of everything entering into the operation and maintenance of railways has increased more than 100 per cent during the past four years, while the railway companies have been granted increases in what are known as the 15 per cent and 25 per cent cases, amounting on an average

It is entirely unreasonable that the railway companies should be expected to provide the necessary transportation services for this country unless they receive rates somewhat in proportion to the increased cost of their operation, and while the range murine established fall far below the increased cost of everything else, yet I feel the will be sufficient to enable the railways to carry on during the term to which they apply, and that the people in the light of the actual facts will cheerfully contribute there or, an in order to keep these utilities in a position to efficiently transport the business of the country.

The Canadian Pacific, Grand Trunk and Canadian Northern Companies will be required to furnish to this Eoard monthly statements of their operating revenues and, should this Board, at any time before July 1, 1922, be of the opinion that a greater or less amount of money is being paid to the railway companies than is as only note ary to enable them to maintain a reasonable degree of operating may like Board reserves to itself the right, at any time, on notice, to readjust the rates to meet the conditions then existing.

The mean railway companies subject to the jurisdiction of this Board shall It is not be cartifol to publish and file tariffs in accordance with the above provisions

effective on or after Monday, the 13th day of September instant.

In working out the rates under this judgment, fractions will be disposed of as set out in Order in Council, P.C. 1863.

APPLICATION OF THE GOVERNMENTS OF MANITOBA AND SASKATCHEWAN, ET AL FOR AN ORDER SUSPENDING THE RAILWAY RATE INCREASES, AS GRANTED BY THE BOARD'S ORDER NO. 308, OF DATE SEPTEMBER 9, 1920, OR IN THE ALTERNATIVE, THAT THE SAID ORDER NO. 308 BE VARIED BY REDUCING THE INCREASE THEREBY GRANTED ON RAILWAY LINES WEST OF FORT WILLIAM, TO FIFTEEN PER CENT

Judgment of Commissioner Rutherford, dated December 10, 1920, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean and Deputy Chief Commissioner Nantel.

This is an application for a suspension of the increase in railway rates as granted by the Board's Order No. 308, of date September 9, 1920; or that the said Order No. 308 be varied by reducing the increases in railway rates on lines west of Fort William to 15 per cent; the application is based on a judgment of the Governor in Council, of date October 6, 1920, which referred the said Order No. 308 back to the Board for further consideration.

The appellants were represented by Mr. H. J. Symington, K.C., for the province of Manitoba, Mr. D'Arcy Scott for the province of Saskatchewan, Mr. J. B. Coyne, K.C., and Mr. P. G. Denison for the Winnipeg Board of Trade, Mr. G. R. Geary, K.C., for the city of Toronto, certain other interests also having counsel present at the hearing.

The position taken by the appellants can be best set forth by quoting from the presentation made by Mr. Symington, counsel for the province of Manitoba, at the hearing on November 22:—

"This is an application for a suspension of the increase in freight rates granted by the Board under Order No. 308 or in the alternative that the order be varied reducing the increase from Fort William west by fifteen per cent.

"Shortly the facts connected with the application are as follows: On the 9th September, 1920, the Board issued Order No. 308, effective September 13 (four days later); an appeal was taken to the Governor in Council at the earliest possible moment and on the 6th of October, they issued a judgment; under that judgment, to which I wish to refer the Board, certain findings and principles were laid down, to which I shall ask the Board to direct some attention".

In presenting his case to the Board, Mr. Symington adduced, under twelve heads, his interpretation of the findings reached in the judgment of the Governor in Council, but as his rendering of a number of these points differed very considerably from the actual text of the judgment, I do not think that any good object would be served by reproducing his version here.

As a matter of fact he devoted his attention, during the course of the hearing, to

practically four points, namely:-

(1) A general criticism of the methods followed by the Board in fixing fair and reasonable rates;

(2) That the Board in reaching its decision as to increase in rates, took into consideration the requirements of the Canadian National Railways;

(3) The necessity of the equalization of Eastern and Western Rates;

(4) The alleged injustice of the additional five per cent (5%) imposed upon freight rates for the period between September 13, 1920, and December 31, 1920.

It is, I think, unnecessary to deal further with the question of the legality or otherwise of the course followed by the Governor in Council in referring Order No. 305 back to the Board.

It is evident that the Governor in Council, failing to find in the Order anything which would justify its variation or recission, and feeling nevertheless that, in view of the representations made by the appellants, certain of its features might be open to criticism, decided to refer it back to the Board, with the suggestion, in no sense

of the word an order, that these features should be again considered and if deemed necessary or advisable, further dealt with.

The record of the hearing on the appeal sustains this view, inasmuch as at the close of the discussion between the Chief Commissioner and Mr. Symington, with which the hearing opened, the later admitted the soundness of the position taken by the former, his final statement in this connection being as follows:—

"What I say is this, that on this application I am coming before this Board saying that they ought to do a thing, not that they must. I am not arguing it from a legal standpoint, I am taking the position that the Board ought to do it."

Mr. Symington, in my opinion, read into the judgment of the Governor in Council, number at oldestions to the judgment of the Board, not in any way justified by the language of the first-mentioned document.

This criticism applied to his attack on the methods followed by the Board in arriving at a decision as to what constitutes fair and reasonable rates. His contention that the application of a general rate increase on a percentage basis was faulty and unfair, inasmuch as, except in regard to a few articles, specially treated, no effort was made to ascertain how the new rates would affect individual classes of goods shipped, was in no sense justified by the findings of the Governor in Council.

To save his purpose in this instance, he merely took from the preamble of the judgment of the Governor in Council the statement that one of the duties of the Board is "to fix fair and reasonable rates," and proceeded to hang upon this phrase an argument against a certain line of action taken by the Board, to which no reference whatever was made in the said independ

Apart from the fact that, for the reasons above stated, this argument had no place in the case now before the Board, it is answered by the statement that the rates in force prior to the application of the railway companies had all been for many rears carefully considered and adjusted to the requirements of each particular line of traffic; that the application of the railway companies was for a general percentage increase to enable them to meet the augmented cost of operation and material; that every interest was at liberty to appear and present its case at the hearing; that a number of the railway companies was for a general percentage increase to enable them to meet the augmented cost of operation and material; that every interest was at liberty to appear and present its case at the hearing; that a number of the railway companies was for a general percentage increase to enable them to meet the augmented cost of operation and material; that every interest was at liberty to appear and that, of these, several received special consideration.

Moreover, the judgment in no way prejudices the established right of any interest, which may deem the rates affecting it unfair or unreasonable, to apply to the Board for an adjustment.

Further, eliminating the special pleading which has been so prominent a feature of the attacks on the Board's judgment in the Railway Rates Case, and applying common sense principles, it is, I think, quite clear that one of the most important factors to be considered in reaching a decision as to what are fair and reasonable rates, is that of the ability of the railway to carry on

The fact that under the law, the railways as public utilities are required to have their rates approved by the Board, does not justify the view that they should therefore be compelled to do business at a loss.

Further, if the rates fixed are not fair and reasonable to the railways as well as to the million to public will suffer inasmuch as no railway compelled to operate on a non-paying basis can furnish either efficient service or adequate facilities for the handling of traffic.

In his second count, namely that the Board in its judgment took into considerable the confidence of the Canadian National Railways, Mr. Symington is on better footing, inasmuch as the judgment of the Governor in Council states that this should not have been done.

Here, however, there seems to be a general misunderstanding as to the real position of the Board in that connection, and particularly as to the basis of the calculations on which the findings of the Board in the Railway Rates Case were actually arrived at.

While admitting that the language used by the Chief Commissioner in his judgment might be interpreted as conveying the impression that the Board took into consideration the unfortunate financial position of the Canadian National Railways, it is scarcely necessary to point out that all the calculations as set forth in that judgment, are based on the figures submitted by the Canadian Pacific Railway Company and that, as a matter of fact, the company was the only criterion by which the Board could reach a conclusion as to the increase of rates which would be required to enable a properly equipped and efficiently managed railway to maintain operation on a reasonably remunerative basis.

On the course to be followed in this connection there was no difference of opinion among the members of the Board, and it is regrettable that the Governor in Council, as well as some members of the general public and of the press, attached to the language of this portion of the judgment of the Chief Commissioner a greater measure of importance than they did to the definite statements of facts and figures submitted

a little further on, and on which the actual findings were based.

With reference to the third point dealt with by Mr. Symington, namely the equalization of eastern and western rates, it should not be forgotten that its interjection to the Rates Case was purely incidental, and that the Board would not have been justified in attempting to deal with so important a question at such short notice, even in face of the statements made by Mr. Symington at the hearing in August which indicated that the operating rates and train tonnage were much more favourable to the railways in Western Canada than in the East.

It is also well to bear in mind that the factors which first led to the establishment of these differing rates, namely water competition and that offered by the railway lines of the eastern United States, have been for some years in an abnormal and unsettled condition and that their future influence on rates in Eastern Canada is an

entirely unknown and unguessable quantity.

Much has been made of the fact that the Chief Commissioner in his judgment, stated that the rates in Western Canada averaged from fifteen per cent (15%) to eighteen per cent (18%) higher than those in the East, and that he, nevertheless, made a difference of only five per cent (5%). It should not be forgotten, however, that the disparity in favour of the East for reasons well known and fully understood, has long been recognized as an established, and until very recently, accepted condition.

Under these circumstances therefore, the Board took the ground that pending future full inquiry and investigation, and until the whole question has been considered from the standpoint of things as they are and as they are likely to be in the future, it would not be justified in going further than it did in the matter of reducing Western rates.

As stated at the hearing on the appeal, the Board is prepared, in compliance with the request of the Governor in Council, to take up this question at once, and arrangements are now in progress for the early inauguration of a full and exhaustive inquiry into all the circumstances bearing upon it, with a view to reaching, at the earliest possible date, a definite understanding as to a fair and proper basis of equalization.

The fourth point raised by Mr. Symington was that the additional 5 per cent imposed upon freight rates for the period between September 13, 1920, and December 31, 1920, inflicted an unfair burden upon shippers, such shippers being largely in Western Canada.

It is a matter of common knowledge that the action of the Board in granting the special temporary additional rate, was taken with the view of enabling the railways to provide the sum of approximately twenty three million dollars (\$23,000,000) required

the condition that "place where" would necessarily be a place within the Dominion of Canada, and, I think, within a reasonable distance of one of their lines or stations. An examination into the history of this section would lead one to that conclusion irrespective of the proper reading of the section itself, and, therefore, I think very little turns upon this section, especially when the proposal of the railway involves payment of the freight charges at some point in the United States and, therefore, out of Canada.

On the other hand, I am unable to find any positive, or even inferential, statement of law bearing out the contention of the shippers that they have a right to prepay tolls on goods shipped to a foreign country. By section 338 of the Railway Act, the railway company is compelled to file a joint tariff for the continuous route from Canada to a foreign country, even though it involves a portion of the carriage

over a foreign railway. The section is as follows:-

"338. When traffic is to pass over any continuous route from a point in Canada through a foreign country into Canada, or from any point in Canada to a foreign country, and such route is operated by two or more companies, whether Canadian or foreign, the several companies shall file with the Board a joint tariff for such continuous route."

Therefore, when the shipper applies to the railway company for his transportation, he knows exactly how many cents per 100 pounds the railway companies are entitled to charge and which he must pay to have his goods transported, and what is true of freight is equally true of passenger transportation.

As section 354, 355 and 356 are the particular ones, in fact I think the only ones, in the Railway Act directly bearing upon the payment and collection of tolls, I quote them here in full in so far they are pertinent to the question under dis-

cussion:-

"354. Every passenger who refuses to pay his fare or produce and deliver up his ticket upon the request of the conductor may, by the conductor of the train and the train servants of the company, be expelled from and put out of the train with his baggage, at any usual stopping place: Provided that the conductor shall first stop the train and use no unnecessary force.

"355. In case of refusal or neglect of payment on demand of any lawful tolls, or any part thereof, the same shall be recoverable in any court of com-

petent jurisdiction.

"356. The company may, instead of proceeding as aforesaid for the recovery of such tolls, seize the goods for or in respect whereof such tolls are payable, and may detain the same until payment thereof, and in the meantime the said goods shall be at the risk of the owners thereof."

"(2) If the tolls are not paid within six weeks, and, where the goods are perishable goods, if the tolls are not paid upon demand, or such goods are liable to perish while in the possession of the company by reason of delay in payment or taking delivery by the consignee, the company may advertise and sell the whole or any part of such goods, and, out of the money arising from such sale, retain the tolls payable and all reasonable charges and expenses of such seizure, detention and sale."

It is evident that the railway company has the right to demand prepayment in the case of a passenger, and, if he refuses to pay his fare or produce his ticket, he can be expelled from the train. In the case of freight the Act is not so plain, but, as the company has power under section 323 to specify the place where the tolls shall be paid. I take it this would mean the right to demand prepayment, and this has been the ordinary course of business for many years with perishable goods or any class of goods upon which the company's lien at the end of the journey might

not be of any value in securing payment of freight charges, but, as I read sections 355 and 356 it is evident that the whole intention of the Act is for the purpose of leaving it to the discretion of the railway company as to when, where, and under what conditions the freight rate shall be paid.

For instance, in the case of passengers, it is very clear they have a right to demand prepayment. This would necessarily have to be so, as otherwise the only method of securing it would be by a suit at law as provided for by section 355, while under section 356 it is evident that provision is made for the collection of tolls after the contract of carriage has been completed, because it confirms to the company what it would have at common law, viz., a lien upon the goods for the charges against them, and then provides a method by which this lien shall be worked out, and it would be absolutely unreasonable to hold that the company could sell the goods under the lien before they had carried out the contract of carriage.

As I view the law, the discretion is entirely in the hands of the railway companies. They may either demand prepayment, or they may say that they will carry the goods to destination, and, so long as they only ask the rates legally provided by law, then I do not think the shipper has the right to elect that he shall pay the freight charges in advance, and, therefore, I hold that the action taken by the railway companies in the circular above referred to is valid under the law and this Board has no right to interfere with the reasonable exercise of their discretion.

As to the second question involved in this discussion, it is something entirely new in the history of international transportation, and, therefore, we have no precedents to guide us in arriving at what would be a fair and just conclusion as between the parties.

My first impression was, and I have not changed my views, that, as a matter of equity, the Canadian shipper should be allowed to prepay his freight for the Canadian portion of the journey in Canadian money and the American portion in American funds, but the railway companies contend that, should they attempt to work out this method, it would practically remove their audit offices from the head offices of the companies to the boundary line, and, as the Canadian railways cross the American boundary at so many points in the 3,000 miles across the continent, it would amount to a practical impossibility to work out. It would involve either the prepayment of one portion and the payment of the other portion at the end of the journey, or the prepayment of the whole, the Canadian end based upon Canadian funds and a daily or weekly addition to the freight rate expressed in Canadian funds to make up the difference between the exchange of the two countries for that given time, both of which would be highly cumbersome and probably would have to be based upon an arbitrary assumption in most cases in order to become workable.

The shipper contends that he should be allowed to prepay the whole rate in Canadian funds, because, as one of the witnesses, Mr. Jost, of Montreal, put it, when questioned by me.—

"You would not prepay the freight if it were not for the exchange?"

answered as follows:--

"No. I am quite frank in saying that that is the only reason I am doing it. If the exchange is against me I have to lose it, and naturally when I make contracts to sell pulpwood the rate of exchange is figured on. I am selling to-day in the United States cheaper than I am selling in Canada. At Niagara Falls it is \$25.50 in American and \$26 in Canadian money."

and it was contended by Mr. Huff, representing the Riordan Pulp and Paper Company, Mr. Thorpe for the William Davies Company, Mr. Ayr for the Harris Abattoir Company, and Mr. McCallum for F. E. Smith, Limited of Montreal, that they had

made contracts for the sale and delivery of large quantities of goods in the United States based upon the right of prepayment in Canadian funds, and, if not allowed to do so, they would lose certain sums of money by reason thereof.

I can accept both these contentions in their entirety, but, after all, they are both based upon the assumption that the Canadian shipper has a right to make a profit on the freight rate to the extent to which the exchange is against Canadian money for the time being, and from a moral and business standpoint I think that is the whole question involved. The shipper is presumed to make a fair profit upon the goods which he sells. It is admitted without argument that, if the rate of exchange is 10 per cent and he sells goods which net him \$1,000 in New York in American funds and receives an American cheque therefor, when deposited in his Bank in Canada he gets credit for \$1,100, and, therefore he has made \$100 in Canadian money out of the transaction, which he is perfectly justified in making as one of the incidents of trade. But he goes further and contends that, if the freight on that car of goods amounts to \$150, he has a right to prepay that, when of course it would be collected at the other end; or he sells his goods for a stated price at destination and adds the freight to the price, and, therefore, he would receive not only the \$150 back but, when the cheque was deposited in the Canadian Bank, he would receive \$15 as the exchange upon the freight rate.

The railway companies contend that, were he allowed to do this, they would lose the \$15 or a portion thereof represented by the rate of exchange on the American portion of the freight charge. To use the same illustration, if the freight were \$150, \$50 Canadian and \$100 American, they contend that, if they accept the \$150 in Canadian money, they will be compelled to settle with the American road for their portion in American funds, or, in other words, they will be compelled to pay the American road not only the \$100 but 10 per cent in addition, making \$110, leaving them \$40 for their portion of the rate instead of \$50, and this brings me back to the consideration of the former question as to whether or not, as a matter of equity, this is a right which should be accorded the shipper or whether it is purely an incident of transportation with which they have no legal or moral concern.

I must confess I am strongly inclined to the latter view. It is the business of the shipper to furnish the goods and deliver them to the railway company for transportation, and he is justified in selling his goods in the best market and for the highest price which he can obtain for them. It is the railway company's business to transport these goods to destination at the rates which have been provided by law for the service, and, therefore, if from the exigencies of exchange any money is to be made or lost upon the transportation of these goods, so long as the shipper is not asked to pay a greater rate than that provided by law, this gain or loss belongs to the railway company and not the shipper. If the exchange rate were the other way and \$100 in t anadian money were worth \$110 in New York, I do not think any shipper would demand the right to prepay the freight, but, on the other hand, many would strenuously oppose such a proceeding if adopted by the railway companies, because, in that case, according to the reasoning above, he would be paying in money of greater value than he would be obliged to do if paid at destination.

This assumption is borne out by the facts as to the manner of paying freight adduced at the hearing. While a great many interests were represented thereat, the only persons who alleged that they had been in the habit of prepaying freight were the Riordon Pulp and Paper Company as to the output of one mill which was admitted to be practically an interplant account, as they have plants in both the United States and Canada: the Harris Abattoir Company and the William Davies Company, meat packers, who alleged, and have since substantiated it by actual data, that, during the past year or year and a half, they have prepaid the freight on a considerable portion of their experts to the United States, due to the conditions and necessities of their

business; and the F. R. Smith Co., Limited, who have been selling metal scrap in American centres, claiming that it was more beneficial to do so, as having the freight prepaid and consigned to their own order at Pittsburgh, they were in a better position to dicker with different firms in order to obtain the best price possible. With these exceptions, prior to the exchange situation becoming abnormal, all the other shippers had been in the habit of sending their goods with the freight to be collected, but changed their method of doing business simply because by prepaying they could make the exchange on the freight as an additional profit.

For these reasons, therefore, I find that the railway companies are justified in their action in refusing to accept prepayment of freight as set forth in the Circular

above referred to.

# Judgment of Assistant Chief Commissioner McLean, dated April 24, 1920.

In the decision of the Chief Commissioner, it is held that two points are involved: (1) the rights at law of the public, on the one hand, to demand prepayment and the railway companies to refuse the same; (2) the matter as involved from the business standpoint, considering all the facts involved in the exchange situation.

As the matter presents itself to me, the only matter involved is a clearly defined legal issue, viz: what are the Board's powers under the Railway Act to compel a railway company to accept prepayment from a shipper; or, conversely, what is the power of the Board to prevent a railway company refusing to accept prepayment.

This is what is involved and no more. The fact that it is the exchange situation which by its effect on international freight movements has created, and complicated, the existing state of facts is merely illustrative, and does not go to the root of the principle involved. The fact that the present state of facts may have resulted in advantitious gain to one of the parties to the contract of carriage and advantitious loss to the other neither broadens nor modifies the principle. The discussion of the relative equities of the parties to the contract of carriage from the standpoint of participation in the gain on particular shipments, arising from the international exchange situation as effecting freight rates on international traffic, while illustrative of the effects of the state of facts concerned, neither modifies nor broadens the principle. The principle is independent of the particular circumstances.

The Board is a statutory tribunal and its powers are tied down to the scope of the matters falling within the Railway Act. It is not the function of the Board to supplant or supplement the provincial courts in the exercise of their ordinary jurisdiction. Duthie vs. G.T.R. Co., 4 Can. Ry. Cas., 304-311. The comment of Bramwell, L. J., in passing upon the scope of the functions of the English Railway and Canal Commission is pertinent: "... I must say that I think one ought not to suppose that the Legislature intended to give to the commissioners a jurisdiction in matters which could be quite as well exercised by the ordinary courts of justice." Great Western Ry. Co., vs. The Railway Commissioners and James Brown,

7 Q.B.D., 182, 193.

Subject to consideration of the effect of a discriminatory exercise of discretion by a railway company—if and when this is alleged—I agree in the finding in law by the Chief Commissioner, that the Board is not empowered by the Railway Act to interfere with the reasonable exercise of discretion by a railway company as to whether shipments shall move collect or prepaid. As already indicated, my opinion is that a finding in law concludes the matter.

# Judgment of Commissioner Boyce, dated April 30, 1920.

The opinion of the Chief Commissioner who presided at the hearing of this application, upon any question arising when he is presiding, which, in the opinion of the other members of the Board, is a question of law, shall prevail. (Railway Act, section 12, 35, 2.)

In so far as the question, or questions, arising and which are involved in the decision of the Board as to the circular in question, issued by the railways, and set forth in the indgment of the Chief Commissioner, involve, matters of law, I cheerfully done, as I am bound to do, to the views of the learned Chief Commissioner, expressed up a those questions of law, and any views I express with reference thereto, are subject as above.

The declared object of the circular in question is "to avoid discrimination as lettreen simplers." That involves a question which, under section 317 the Board is required to a termine as a question of fact, as to whether (a) traffic is, or has been carried under substantially similar circumstances and conditions: (b) whether there has been in any case, unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of the Railway Act; or, (c) whether in any case the company has, or has not, complied with the provisions

of sections 314, 315 and 316 of the Railway Act.

When joint tariffs for through traffic over a continuous route from Canada to the Act, mentioned in section 341 apply to such tariffs, as regards their filing and pullification, and what such tariffs are so filed, the company or companies shall, until the same are superseded or disallowed, charge the toll or tolls as specified therein. It would appear then that when joint freight rates are settled upon for a continuous route over more than one railway in Canada, or from a point in Canada to a foreign country (the United States in this instance), they become subject to the provisions of section 341 and preceding sections referred to therein, to the extent provided in section 341.

The railway is only entitled to charge such tolls for traffic carried as are permitted by virtue of the several provisions of the Railway Act. And, as I have pointed out, as regards through traffic, the company, under section 341, is authorized, when the statutory procedure as regards the tariffs is complied with, to charge the toll or tolls as specified therein, and, inferentially, no more. There is express statutory prohibition (section 314 (2) against the railway advancing or reducing its tolls, directly or indirectly, as there is also a penalty provided in case the railway company does so (section 425, 429 and 430) by any of the methods in the statute set out. The railways are required (section 316) to afford, according to their respective powers, all reasonable facilities for receiving, forwarding and delivering traffic, without undue preference (subsection 3 (a) undue (or unjust) discrimination, difference in treatment (subsection 3 (b) or prejudice or disadvantage (subsection 3 (c). The railways cannot refuse, without lawful reason, to accept and carry the goods offered to them, as common carriers, for carriage. To do so would give the shipper a right of action as a remedy for the wrongful refusal. (People v. Railroad, 2 Hun 533; People v. Babcock, 16 Hun 313; Hutchison on Carriers, p. 116. The carrier may demand prepayment of the freight (Pickford v. the Railway 8 M. and W. 372; and if he does not do so, he maintains his lien for carriage under section 356 of the Railway

The effect of the arrangement proposed, as regards the discrimination clauses of the Act above referred to is to be considered not as regards individual shippers, but as regards shippers as a class. The whole policy and spirit of our legislation is to secure as closely as possible, absolute equality in treatment of shippers by the railways and in the cases an intend in section 319 of the Railway Act, the railway is charged with the burden of proving that the difference of treatment in the section referred to does not amount to undue preference or unjust discrimination.

As a will international traffic the jurisdiction of the Board extends only to

: with Manuscon supports and carriers, within the Board's jurisdiction.

The proposal of the railways as regards all international traffic between Canada and the United States, is to prevent the shipper from prepaying the freight charges except as regards perishable traffic, and thereby compelling the shippers or consignee to pay the freight charges for the entire route, in Canada and the United States at destination point, and in American funds, which are now at a premium of about 10 per cent over Canadian funds.

A circular of the Michigan Central Railroad Company, dated April 28, 1920, and effective May 1 next, and filed with the Board, indicates the action to be taken by all American railways as regards traffic to Canadian points. The circular is as

follows :-

"Gentlemen,—For your information I enclose copy of our Circular Letter No. 98 announcing the requirement of prepayment of freight charges on all traffic from the United States to Canadian points.

"This action is necessary on account of the existing adverse rate of exchange and the fact that the freight rates are based upon United States

Currency.

Yours truly,

# A. JOHNSON,

Chief of Tariff Bureau."

The latter part of the second paragraph has some significance. The Canadian shipper makes the same claim and with considerable force. The tariffs from Canada to the United States show tolls payable in Canadian currency. I do not know of any power that this Board possesses to order, or permit, that these tolls shall be paid in foreign currency and *not* in Canadian money.

Let us-consider a working example under the proposed arrangement. It is

perhaps an extreme one, but not an improbable one.

(a) "A", at Vancouver, B.C., delivers to the C.P.R. a carload (minimum 50,000 pounds) of fir lumber for delivery to "B", at Detroit, Mich. The distance is 2,918.8 miles, rate 70½ cents per 100 pounds via C.P. direct (freight charges \$352.50), C.P. Tariff C.R.C. W. 2405, Sup. 6.

(b) "C" at Vancouver, B.C., delivers to the C.P.R. a carload of fir lumber for delivery to "D" at Windsor, Ontario, the distance being 2,915.7 miles, 73 cents per

100 pounds (freight charges \$365) C.P. Tariff C.R.C. W. 2503.

The rate to Detroit is  $2\frac{1}{2}$  cents lower than the Windsor rate, Detroit being a competitive point. The freight on the car to Windsor (\$365) is paid at destination—or prepaid—by Canadian legal tender. If the proposed arrangement now under consideration were effective, and the shipper "A," being prohibited from prepaying his freight, his consignee "B" would pay the freight in American funds, giving the railway in Detroit (on a 10 per cent basis of exchange) funds to the value of \$387.75—or an advance of \$35.25 on the published through toll to cover transportation of the car for less than 3 miles. In the example cited which is based upon published tariffs, the shipper or consignee in the first place would be penalized to the extent of \$35.25 (on a 10 per cent basis of exchange) in advance of the published tariff rate, while the Windsor consignment, which travelled three miles less, would be delivered at \$365, the tariff rate.

On the movement described, the railway has, I think, its own car ferry, and, therefore, would have exacted the whole of the excess. But, upon the supposition that the Canadian Pacific Railway at Windsor turns the car over to an American road the American road at Detroit collects the full rate, \$352, in American funds, remits to the Canadian railway the difference, after deducting its own proportion of the rate for the infinitesimal portion of the carriage performed by it, and the Canadian railway actually receives as a result of the transaction 10 per cent more than it would have been entitled to had the freight been prepaid. In other words, upon settlement

thomal its American railway would receive from shipper "A" or consignee "B" thomal its American agent at Detroit, for the carriage from Vancouver to Windsor 10 per cent mere in troight coulges than the tariff authorized, or than was paid by shipper "C," or consignee "B" for the shipment of similar goods. I am unable to see what justification the Canadian railway could have for holding the excess. It has performed no service for it. It is an advance on tariff rates and I think that the shipper, or consignee, whichever paid, could maintain an action to recover it back. Great Western Ry. v. Sutton, L.R. 4, H.L. Case 226; Heiserman v. Burlington Ry. 63 Iowa, 732. If the American railway deposited in a Canadian bank the money so received and remitted the Canadian railway by cheque on that bank the American railway would take the profit on the exchange.

In the instance cited there would, in the result, be a disturbance and dislocation of that equality of tolls required by section 342 (1) as regards carriage of both cars at Vancouver to Windsor; there would be (indirectly), section 342, s.s. (2) an advance in toll for the same service against shipper "A" or consignee "B" to which shipper "C" or consignee "D" would not be subject, and the amount in excess of toll which the Detroit shipment would be taxed, would be in respect of the railway service within Canada. The railway company would profit by 10 per cent on its authorized tolls—it would, in the result, and without authority of tariff, exact an increase thereupon

contrary to law.

If in the instance cited, the transaction would so result, I think there would be little difficulty in holding, on the facts, that such would amount to undue or unreasonable preference, or advantage, to which the Detroit shipment so far as its route through Canadian territory was concerned would be subjected (section 316, subsection 3 (c).

A consideration of the converse case viz.: a shipment from Detroit to Vancouver, via Canadian Pacific Railway (upon the supposition that the proposal of the American roads is made effective) the shipper would be compelled to pay, in American funds, the freight for the whole distance—2,918-8 miles—while the distance in American territory was less than 3-1 miles. The whole of the balance of the route, 2,915-7 miles, would be subject to 10 per cent addition to the published tariff rate, that is, the Canadian railway, on adjustment with the American road of the prepaid freight, would actually receive a remittance which would net to it a bonus of 10 per cent (or whatever current rate of exchange then was) over and above tariff rate, while a Windsor-Vancouver shipment would be subjected to no such difference of treatment.

As regards the generality, or perhaps average, of cases to which the proposed arrangement would apply, viz., cases where the Canadian haul was equal to or shorter than the American haul, there would exist as regards particular shipments, the same dislocation of equality or difference in treatment to a varying degree. The railways contend that it would "average up" on a fair basis, that is, that on the whole international traffic from Canada to the United States, they would make no profit above published tariffs as a result of the proposed arrangement. That might be the case; I question it. One thing appears to be certain and that is, that as regards particular shipments there would be inequality, difference of treatment and possible profits to the Canadian railways over and above tariff rates, the retention of which without authority of this Board under the Railway Act, it would be difficult for them to justify.

It seems to me that the most that can be argued as to the effect of the proposed arrangement is that while in one case the Canadian railways would make a profit out of a shipping transaction over and above what lawful tariff allows them, in other cases they might be exposed to less and that, on the whole international traffic, the one would balance the other, to the protection of the Canadian railways from loss on exchange. Whether this would be the effect or not (and the geography of Canada and its general rail movement, and broad distances of haul, are such as to cause me to question it seriously), the proposition or argument seems to me to be unsound. It

would, in the result, seem like a case of "robbing Peter to pay Paul" (I quote without invidiousness); one shipper would pay an excess while another would not; the profit over tariff rate taken by the railways from the one would be offset against a loss by exchange on the dealings with the other. Surely such an arrangement would not be an equitable one or tend to preserve equality of treatment even if it could be justified in law.

The effect is exemplified by an application of the proposed arrangement to prepay perishable shipments. On a shipment of a carload of perishable goods, Vancouver to Detroit, the Canadian railway is paid the tariff rate in advance. It remits on settlement to the American road for that part of the journey (three miles) in American territory, and, to the extent of difference in exchange, it loses on the transaction. But it profits by the exchange on the freight on the car of fir lumber to the extent of \$35.50, which more than repays its loss.

I am strongly of opinion, upon the facts, that it is not an arrangement which ought to receive the sanction of this Board, having regard to the express provisions of the Railway Act, its spirit, policy and intent, which it is the duty of this Board to administer with a primary desire to preserve in all cases and in every individual case, equality of treatment, and to prevent and restrain measures which would inevitably lead to difference of treatment, unfair advantage, prejudice, if not to unjust discrimination in particular instances.

With American roads requiring as they have a right to do, prepayment for the whole distance of international travel, it seems to me that the Canadian roads would be exposed to little danger of loss. The argument that their apprehended loss would be made up on general average—and offset—would be met by the action of American roads in requiring prepayment on that class of traffic. The amount of Canadian traffic originating in the United States and prepaid in American funds on which the Canadian railways would receive a premium, ought to offset any loss in exchange suffered by maintaining the integrity of the Canadian dollar as a factor recognized by our Currency Act for discharging debts incurred in Canada.

There is undoubtedly a right to the railways to require prepayment of freight in advance. They exercise that right and maintain it for their protection in the present arrangement. It has no effect directly, or indirectly, in reducing, or advancing tolls. With very great respect, I think it might fairly be said that the Canadian railways do not possess the right to prevent the shipper from satisfying his debt for freight according to tariff, which arises upon tender of his goods for carriage, (no receipt, bill of lading, or other writing being necessary to subject the carrier to the duty to carry and liability as insurer of the goods (Hutchinson on Carriers, sections 118 and 729); not to insist that payment be made for the Canadian part of through route at destination, in the funds of a foreign country, thereby, and because the foreign money is at a premium, indirectly reaping a profit on the Canadian part of the carriage in excess of tolls, or by their action, giving such profit to the American railway, if the latter remits for the Canadian tolls in Canadian funds, and subjecting the shipper to the loss of that amount upon payment for the goods.

There is no provision in the Railway Act whereby this Board can compel a railway company to accept prepayment of authorized tolls. There is, on the other hand, no power in this Board, either (a) to compel a shipper to pay the tolls at destination and in foreign money, or (b) to deprive a shipper of any common law right he might have to discharge as ascertained debt, or liability for tolls, at point of shipment by payment in coin of the realm, the laws of which govern the contract.

There are involved in this matter questions which, in my opinion, are outside of the Railway Act, and which appertain to the jurisdiction of ordinary courts of justice, and for this Board to approve, in assuming jurisdiction, under the Railway Act, of the proposed arrangement, would, in the view I take, be to entrench upon the provinces of the courts as regards matters of disputes and claims arising as a

result of the Board's ratification, and which are, as is pointed out by the Assistant Chief Commissioner, beyond the functions of this Board. See re Dunnville Ice Co., Killam Chief Commissioner, November 11, 1907; also file 23328.10 re Baggage Regula-

tions, Judgment of Board, April 8, 1920.

The Chief Commissioner is of opinion that this Board has no jurisdiction under the Railway Act to interfere with the discretion of the railway companies, as to whether shipments shall move collect or prepaid. With that view, the Assistant Chief Commissioner concurs. These opinions are, of course, subject to the effect such an arrangement may have in particular instances, or generally in giving rise to complaints as to discrimination, undue preference, prejudice, disadvantage, difference in treatment, or as to any other elements contemplated by and within the purview of the Railway Act, involving disturbance or dislocation of tariff conditions which might have such effect, in which case the Board's jurisdiction is preserved to it.

With this qualification, and to this extent, I agree with the view of the Chief Commissioner and the Assistant Chief Commissioner. But I think, that to emphasize that view, and preserve what jurisdiction it has, whilst leaving to the courts unfettered by any express approbation of the proposed arrangement by this Board, the free exercise of such functions as belong to them, no approval ought to be given to the proposed action of the railway companies. If they have power to enforce what they propose, that power is not derived from this Board, if they have not that power I do not think that it is within the jurisdiction of this Board to grant it.

To leave all the effects of the proposed step entirely to the responsibility of the railways who propose it, and who are now enforcing it, I would neither approve nor disapprove it. I think the Board has jurisdiction to do neither. The application is not made by the railways for approval. They took the step without approval of the Board. The application is on behalf of shippers to disallow it.

For the reasons given, I would dismiss the application.

## RE COMMUTATION RATES CASES

Files 29984.3; 29984.5; 29984.7; 29984.8; 29984.10; 29984.2; 29984.1; 29984.6; 29984.9; and 29984.4.

Judgment of Commissioner Boyce, dated April 1, 1920, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean and Commissioner Goodeve.

The following tariffs proposing substantial increases in rates for commutation faces were filed, effective March 1, and by Order No. 29407, dated February 27 last, were ordered to be suspended pending a hearing by the Board, namely:—

- (1) Canadian Pacific Railway Company's Tariffs, C.R.C. Nos. 139, 140 and 145;
- (2) Grand Trunk Railway Company's Tariff, C.R.C. No. E.2822;
- (3) Canadian Northern Railway Company's Tariffs, C.R.O. No. W-90 and No. E-114;
- (4) Toronto, Hamilton & Buffalo Railway Company's Tariffs, C.R.C. Nos. 1279, 1281 and 1284;
- (5) New York Central Railway Company's Supplement No. 4 to Tariff C.R.C. No. 9:
- (6) Central Vermont Railway Company's Supplement No. 1 to Tariff C.R.C. No. 525.

The Board heard complaints with reference to, or affecting, the said tariffs, and with reference to commutation rates generally, at Montreal, February 24 and March 9, at Toronto March 5, and at Ottawa March 16. The complaints were either against the proposed increases in commutation fares, or applications to the discretionary power of the Board, under section 345, subsection 2, of the Railway Act, for the granting of commutation fares, or extensions to present schedules. The whole question of commutation fares in existence and as proposed by the new schedules to all the railways mentioned was fully discussed at the meetings referred to, as well as the requests for the extension of commutation territory. The complaints may be classified as follows:—

## Montreal

- (1) Complaint of residents of the town of Lasalle, P.Q., against C.P.R. Tariffs. (File 29984.7).
- (2) Complaint of citizens of Lachine, P.Q., against G.T.R. Tariffs. (File 29984.8).
- (3) Complaint of A. J. Catte, of Dorval, P.Q., against proposed increase in commutation fares as applying to scholars' rates between Dixie, or Dorval, and Lachine and Montreal West; C.P.R. Tariffs. (File 29984.10).
- (4) Complaint of the residents of Laval des Rapides, P.Q., against C.P.R. Tariffs; (File 29984.3).
- (5) Complaint of E. N. Brown, of Montreal, P.Q., against increase shown in new tariffs; (File 29984.5).

### Toronto

- (1) Complaint from the residents of Oakville; (File 29984.2).
- (2) Complaint from the town of Weston, Ontario; (File 29984.6).
- (3) Complaint from the corporation of the city of Toronto; (File 29984.1).
- (4) Complaint from the residents of Bridgeburg, Ontario, and vicinity; (File 29984.9).

against the increased commutation fares proposed.

Applications for commutation fares, or extensions to present schedules were made:—

- (a) By the corporation of the city of Toronto; (File 19631).
- (b) By the town of Brampton; (File 3378).
- (c) By the Harris Wood Products Company, Limited, Toronto, to grant commutation fares between Streetsville and Toronto; (File 7287.20).
- (d) By the town of Weston, (File 29984.6).
- (e) By the Municipal Council of Woodbridge, for commutation rates between Woodbridge and Toronto. (File 7287.10).
- (f) By Messrs. W. H. Cross and A. Newman of Bolton, Ontario, for commutation fares between Toronto and Bolton. (File 7287.11).

And an application from the town of Weston, Ontario, for an order directing an extension of time for the use of 55 trip tickets, from 30 days to six months, and directing that commutation tickets on line of railway shall be interchangeable by the Grand Trunk Railway Company and the Canadian Pacific Railway Company (File 29984.6).

## OTTA WA

(1) Complaint of the Gatineau Residents Association, against C. P. R. Tariff (File 29984.4.)

The questions, therefore, before the Board, divide themselves into the following classes:—

- (1) Complaints against proposed schedules of increases;
- (2) Applications for extension of commutation fares to new territory; and,
- (3) Limitation of number of tickets and interchange of commutation tickets between railways covering the same territory.

For the purpose of convenient disposition (1) and (3) might well be dealt with together. The consideration of (2) involves other questions not connected with the consideration of matters of rates.

The nature of the complaints, as to the proposed schedules may be classified as follows:—

- (a) That the proposed rates are excessive, both as regards 55 trip tickets, 10 trip tickets and school-childrens' tickets.
- (b) That the rates are unequal and ought not to be allowed because, as regards the increases sought by the railway company to be imposed upon the traffic, the burden of increase is upon the commuter travelling within the nearer radius, from the City, where the greater volume of traffic moves, and bears more lightly upon those travelling to the more distant points where there is less travel and where, as is alleged, the bona fide commuter does not generally reside.
- (c) That as regards the 55-trip and 46-trip, (scholars) tickets, issued under 30-day limit, a percentage of the tickets is lost each month by being unused, and that either the period of user of these tickets should be extended, or that the number of tickets should be decreased with a decrease in the price for the set of tickets, respectively.
- (d) General complaints as to train service, which would form the subject of particular investigation in each case, and do not call for consideration in connection with the present applications.

Commutation rates have been in existence, upon railways in Canada, for some thirty years. They were introduced by the railways, primarily, to stimulate traffic between centres of population and suburban areas, with the object in view of inducing, by commuting rates, on a low scale, people resident in large centres, to bente within easy distance outside the city, and use the railway each working day for the purpose of going to and from their business. It was never contemplated by the railways that this traffic could be placed upon a profitable basis; i.e. that the direct returns would be a source of profit, but it was expected that the indirect results would so stimulate other standard passenger traffic, and increase freight traffic that the inauguration of commuters rates would thereby, indirectly, if not directly, be a source of profit to the railways. The railways contend, and with a great deal of reason, that their expectation with regard to the results of this traffic, have not been realized, because of changed conditions, which they could not, or did not, foresee. There being no previous experience to guide the railways in instituting this traffic, other than what precedents were set by British railways and some American railways, it is not surprising that many of the features essential to its success, from a revenue point of view, were lost sight of by the railways in the institution and maintenance of the traffic arrangement during the period it has been in force.

Some of the elements that have militated against and have prevented the maturity of the plans of the railway are presented to us. The original intention being to endeavour to create traffic between city and suburbs, the year round, in sufficient volume to yield, directly, or indirectly, a substantial revenue and expansion of business, was largely frustrated by factors incident to the rapid growth and development of our civilization. The increase in the number and in the efficiency of electric car lines, urban and surburban, brought this traffic into direct competition, in many instances, with cheap and frequent service rendered by electric railways; the rapid increase of apartment houses to supply the needs of thickly settled centres of population is a factor which has obtruded itself to prevent, or restrict, to a substantial extent, at least, the all-year-round residence outside the city. The convenience of these apartments and their comparative cheapness has grown in popularity to a very substantial extent and has largely contributed to restricting a class of suburban traffic to, at most, a few months in the year. During the last decade the automobile has been a factor which has largely interfered with the success of commuters traffic. From a statement furnished by the railways at the hearing, in Toronto, it appears that this traffic has grown during the last decade, in the proportions following. There were registered, in Canada, automobiles as follows:-

1909	 		 				 		 	 4,711
1912	 	 	 	 		 			 	 34,789
1918	 	 	 	 		 			 	 269,727
1919	 	 	 			 			 	 3551433

Of this last total (1919), 124,234 cars are owned in cities, 231,199 are owned in towns, villages, and townships, and, 12,010 cars are owned by commercial travellers. Assuming the population of Canada to number, in round figures, 9,000,000, this means that in 1919 there was one automobile for every 25.35 persons (men, women and children), or, to every five families of five persons each, there was an automobile. This factor of independent, rapid, convenient, and pleasant transit, growing in popularity, year by year, has militated against, and will militate more against the efforts of the railways to meet the demands for extensions of areas of commuters traffic, without exposing themselves to more serious losses than, under the present conditions, with high cost of material and wages entering into every branch of operating service, they are able to bear.

It was never intended, or expected, that the railways could profit directly from commutation service. Necessarily the low rate at which the traffic was carried could leave no margin, even under pre-war conditions, over cost of service, and generally, if not universally, the service was provided at a direct loss, with expectation only of making up that loss by indirect generation of traffic. To amplify this argument, I extract the following from a memorandum of Mr. C. E. E. Ussher, Passenger Traffic Manager, of the Canadian Pacific Railway Company, filed at the hearing in Toronto:—

"Experience has shown that at no time in the past thirty years, and certainly not to-day, has the maintenance of any fifty-five or forty-six ride, commutation rates been justified on the basis of a revenue producer, but for the reasons previously stated, and it may be said perhaps for the same reason that certain commercial firms are obliged to engage in some portion of unprofitable business as part of the necessity of their existence, it might be alleged that in giving such rates, steam railways perform a public, but unprofitable (per se) service beyond that which they are strictly compelled to perform."

From the nature of the traffic and the service rendered in relation to cost, especially so with regard to existing costs to-day, it is clear that suburban service,

under commutation rates, is at present, if it has not always, as contended by the railways, been unprofitable, per se.

It is difficult to arrive at, and is not shown anywhere in evidence at the various hearings, the extent to which (if at all) the losses occasioned by actual operation of this traffic have been made up by indirect or consequential advantages or profits to

In dealing with the subject of commutation rates in its relation to localities to be served, or claiming to be served, consideration must be given to the classification of commuters. This apparently has been the subject of wide misunderstanding, because it has been contended in several instances before this Board that commutation rates should be made applicable with regard to place within a reasonable distance of a city or centre of population, irrespective of any fixed principles in respect of which such rates shall be granted. The very object of commutation fares is to stimulate suburban settlement, in relation to the city or centre of population, and while it is not possible to lay down rigid rules, or fixed principles, with regard to the classes of commuters generally availing themselves of the benefits of the service, where it exists. I would specify the following as certain classes of commuters, which it has been the policy and object of the railway companies to consider in the exercise of their discretion as to granting commutation fares, or in extending commutation areas established, viz.:—

- (a) Those who live in the suburban area, and travel regularly daily, on working days, to and from the city, or centre of population, in the course of their employment in the city.
- (b) School children who, in attendance at school in the city or centre, living in a suburban area, travel on each school day, from their residence to the city and back again.
- (c) Those living in a place near a city, that is, in a suburban area, and who, though not regularly employed in the city, use the railway for frequent periodical trips to and fro.
- (d) Those who reside in a city, migrate to a suburban area, or summer residence, within suburban area, for residence for a portion of the year, and, during that time, use the railway for the purpose of going to and from the city for business, the members of whose family make irregular trips to and from the city also.
- (e) Those resident in the city, who use the railway and commutation service for the purpose of week-end trips to and from the suburban area.

A principle to be applied to the consideration of the establishment of commutation service would appear to be the effort to afford relief to the persons employed, or being educated, in the city, and living in the suburban or commutation area, from the disability incident to residence outside the city where he or she is employed or educated, and where otherwise, and but for a cheap and suitable service, he or she would be obliged to live.

In Harper's Law of Interstate Commerce, 191, the commutation ticket has been defined as "when issued at reduced rates, authorizing the holder to travel for a given number of times, for a given length of time, or both, between given points, upon the road issuing them."

And in Buell, v. C.M. and St. P.R. Co., 1, W.R.C.R., 502, the commutation traffic is thus described (page 3 of R.R. Commission of Wisconsin):—

"the commutation ticket was placed on sale largely to relieve the crowding and congestion of population in the large cities. Suburban residents were thus enabled to enjoy the comforts that space and fresh air afford and to avoid the crowded tenement house. The business is frequently carried on trains used

exclusively for that purpose, and the large number of passengers carried enables the carriers to conduct the business at a rate that would be unprofitable, if not ruinous, were it generally applied. In time the interurban lines will no doubt control most of the traffic, but until they do, it is in the interest of public health and morals that this class of traffic should be encouraged, at least so long as it is not a burden on other travellers. The wholesale principle, too, enters into the considerations which lead to the sale of such tickets, as they are good for a special number of rides between given points and the time within which they can be used is limited."

The utility and general features of commutation service and commutation rates is usefully discussed in Lieberman vs Chicago, Milwaukee and St. Paul R.R. Co., Wisconsin Railroad Commission Reports, No. R-154, January 22, 1909.

In the exercise of their rights, under the Railway Act (section 341 of the old Act) the railways established certain commutation areas, chosen, doubtless, by the railways respectively, as most suitable for commutation business, and in which areas the railways handled commutation traffic at rates fixed by their tariffs now in force. With the discretion of the railways in the establishing and maintenance of such commutation areas, this Board had nothing to do, except as regards complaints as to discrimination under the Railway Act. As often as any such complaints have arisen they have been considered and disposed of by the Board. The proposed tariffs, increasing the commutation rates apply to those areas already established and to any others, or to any extension of the old ones, that may be made under the Railway Act of 1919, under section 345 having particularly in view the provisions of subsection 2 (new), which reads as follows:—

"Whenever the Board sees fit it may require the company to grant and issue commutation tickets at such rates and on such terms as the Board may order."

The provisions of the old Act as regards granting commutation, mileage, or excursion rates, remain as they were (see section 341, S.S. (b), except that by subsection (2) of section 345 of the present Act, this Board is invested with the statutory jurisdiction as to commutation fares generally, which the subsection quoted above plainly sets forth.

In so far as complaints as to establishing commutation rates with other places or areas than those now in existence is concerned, or as to applying commutation rates in extension of the area or areas at present established by the railways, they fall under the discretionary power vested in this Commission by the subsection of section 345 above quoted and will be considered with respect to that power.

But, what is of primary importance is the question of the proposed increase in the present schedules of commutation rates and the changes in conditions proposed by the tariffs now suspended and which the railways have been called upon to justify.

The present regular or standard first-class fare is about 3.45 cents per mile of travel; fractions of a mile treated as a full mile, and multiples of 2.5 cents or less to be disregarded; sufficient to be added to multiples over 2.5 cents to make sum of fare end in 0 or 5. The same basis will be followed in making up any special tariff.

The present and proposed basis of commutation fares, applicable to the particular commutation areas scheduled in tariffs in force and proposed, are of three classes, viz: commutation tickets for (a) 55 rides, (good for one month); (b) forty-six rides (school children's tickets good for one month); and (c) ten ride tickets (good for six months).

In contrast to the standard rate per mile of 3.45 cents, the present and proposed commutation rates are as follows, viz:—

	Fifty-fiv	e Ride	Forty-six	Ride
Rate per mile Minimum per ride	 .69 cts.	Proposed .85 cts. 10 cts.	Present .276 cts. 5.75 cts.	
			Ten Ri	de
Rate per mile			Present 1.72 cts. 5 cts.	Proposed 2.5 cts. 10 cts.

Under the proposed tariffs in computing charge per ticket, the basis of computation employed is one mile for ten, forty-six, or fifty-five rides, as the case may be, multiples being dropped or added to, to make sum of fare end in 0 or 5 as above.

The proposed tariff for the forty-six ride ticket (scholars' ticket) makes the uniform charge 5 cents to cover travel one to two miles, notwithstanding that the minimum is fixed at 10 cents.

The railways propose no change as to limit of one month as to validity period of the forty-six and fifty-five ride tickets, but propose a reduction to three months (instead of six months) as validity period for ten trip tickets.

No allowance is made for unusued tickets after period of currency expires which affords any rebate to a holder, one of the conditions to which the ticket is subject reading:—

"2nd. This ticket will not be good after date of expiration, even if any coupons remain uncancelled, and refund will not be made on such unused coupons which may be taken up and cancelled."

Mr. Bell, Passenger Traffic Manager of the Grand Trunk Railway Company, stated to the Board, at its Montreal sittings (volume 323, p. 1330)—that a refund of unused tickets was made upon the basis that if, say, a fifty-five-ride ticket holder had trusted tickets and presented them for refund the railway would charge the ten-trip ticket and the local return fare for the balance and, if there was any difference, refund the purchaser the difference. A ticket book would have to be practically unused to give the purchaser of it any refund worth mentioning.

The railways contend that the contracts for the specified number of miles are complete and indivisible.

School children's commutation fares are available for scholars not exceeding eighten, years of age, while the ordinary half-fare children's ticket is restricted to children under twelve and over five years of age.

The railways allege, in justification of the increased fares asked in proposed Jurills, the very high percentage of increase of operating costs, entering into this and every branch or railway service which has taken place since the present tariffs have been in force. The truth of this allegation is so apparent that nowhere was it disputed. It is, unfortunately, true, as it has been proved before this Board on many occasions. and is a well established fact that admits of no question or argument, that the costs of supplying railway passenger service, of every branch and kind, including cost of all classes of terminal charges, has increased very substantially since the present commutation tariffs have been put in force. I am referring to the largely general Increased casts that enter into every detail of the passenger service which have been proved to this Board, not only in this case, but in many others, and is of general knowledge and acceptation. The official annual returns show it, and specific figures wherever given, corroborate it. It is so much of a truism that no one would argue to the contrary. It is an established and well known fact; for example-Mr. Gregory, who appeared at the Toronto sittings for the Citizens' Committee and the Town Council of Oakville, said (volume 324, p. 1637):-

"We do not question at all the great increase in the expense of running railways. Every business man knows that from his own business. We are all experiencing the same thing."

The railways furnished particular items to show its applicability to this traffic, not only as to high percentage of operating trains, but in terminal charges, but I need quote none of the figures furnished as to the cost of operating any particular train or trains, because the largely increased percentage of cost is applicable to all. It is not necessary to analyze figures applicable to this particular class of traffic to find justification for the allegation. It is perhaps sufficient to leave this truism with the observation of what is a well acknowledged fact in daily evidence, viz: that the purchasing power of the Canadian dollar between 1914 and 1919 has decreased 60 per cent.

The terminal costs at Montreal enter largely into the consideration of increased cost of operation generally as regards passenger traffic, because the larger bulk of this commutation traffic, as shown by the evidence, radiates from Montreal largely from the Windsor Station, Place Viger Station, Westmount, and Montreal West. Commutation rates must bear their proper proportion of these costs as well as of every

item of operating costs.

In a statement filed at the Montreal sittings (March 9, file No. 29984.7 (1), complaint of town of LaSalle), Mr. Chisholm, for the Grand Trunk Railway Company filed a statement prepared by Mr. Bell, General Traffic Manager of the road, giving some reasons why short distance passengers are comparatively expensive to handle, which I can usefully quote to illustrate the application of increased cost of operation to commutation traffic, viz: (volume 325, pp. 1837, 1838):—

"(a) The heavy expense of switching cars in terminals applies equally to passengers travelling short distances on fifty-five-ride tickets, as to those travelling longer distances; and the additional coaches needed to handle traffic for short distances are clearly at a proportionately higher expense to revenue. The equipment used produces less returns on its cost from tickets for short distances than it does for longer distances for which higher fares are charged.

"(b) Passengers paying the minimum have the same use of expensive and congested terminals as those who travel longer distances and pay more per

ride.

"(c) Seating accommodation is provided to and from terminals, much of which cannot be used beyond the zone in which passengers travel who pay the minimum fare. It would not be practicable after reaching the edge of the zone to cut out coaches not needed as it would mean serious delay and discomfort to passengers travelling longer distances who pay the higher fare per ride.

"(d) The expense of cleaning and heating coaches used for passengers paying the minimum is practically the same as for passengers travelling longer

distances and paying higher fares."

A very large commutation traffic moves between Montreal and Vaudreuil; it is estimated by the Grand Trunk Railway Company that some 400,000 commuters were carried on their line between those points. As evidencing the steady increase of the cost of operation, I quote the figures furnished by that railway of the results in revenue from 1913 to 1919, from every dollar invested by the railway in cost of operating that section, viz:—

1011, 112.	
In 1913, for every \$1 of cost the revenue was	\$1 22
In 1914, for every \$1 of cost the revenue was	1 34
In 1915, for every \$1 of cost the revenue was	1 38
In 1916, for every \$1 of cost the revenue was	1 36
In 1917, for every \$1 of cost the revenue was	98
In 1918, for every \$1 of cost the revenue was	84
In 1919, for every \$1 of cost the revenue was	89

The explanation as to partial recovery in 1919 is, that there was a large traffic from the military hospital at Ste. Anne, now closed.

Commutation, tradic is passenger tradic, carried on passenger trains at greatly reduced rates, and the cost of carrying a "commuter" passenger is the same as the cost of carrying the standard fare passenger who shares the same seat. The decisions requiring particular cost to be furnished in justification of increased tariff have no application here. It is true, that the commutation traffic, per se, when analyzed, has not been productive of profit to the railways. Per se, it would doubtless be found that it has never repaid the railway for the service given, whether, indirectly, it has done so or not. If in the past, this special traffic has, per se, not yielded sufficient revenue to pay the cost of service, I see no just reason why the railways should, as a result of the doubling of cost of the service, be expected to bear the whole of the extra load

It is but reasonable that the railways should be allowed some measure of relief against the enormous load of this increased cost, the burden being accentuated by the low rate at which the traffic is carried.

The complainants, generally, very fairly, accepted this as an unanswerable proposition, and in many instances, while frankly conceding that the fares should be increased, based their objections and complaints upon the matters incident to the traffic and service to which I have already set out and to which I shall presently refer.

In considering the proposed tariffs it is apparent that they are open to some of the objections strongly urged against them. It is said, with some truth, that the tariffs bear unequally upon the zones nearer to the centre where the bulk of the traffic moves in comparison to the more distant points where the traffic grows lighter; that the commuter who lives 10 miles from the city pays no more for his fifty-five rides per month than the commuter who lives only five miles from the city; a difference in basis of charge from the present rate.

A comparison of the proposed rates (fifty-five-trip tickets) 5 to 10 miles will emphasize the objection.

		Fifty-five	Rides
Ottawa, to-	Miles	Old Rate	New Rate
Ironsides	5	\$3 15	\$5 50
Chelsea	9	3 80	5 50
Kirk's Ferry	12	5 70	5 65
Montreal. to-			,
Lachine	8	3 15	5 50
Dixie	9	3 80	5 50
Dorval	10	4 45	5 50
Toronto, to-			
Lambton	7	3 15	5 50
Weston	9	3 15	5 50

It will be seen, in the Ottawa table, for instance, the residents of Chelsea (9 miles) can commute for fifty-five trips upon the proposed tariff upon the same basis as the resident at Ironsides (5 miles); whereas at the present rate the former would pay 65 cents more for the privilege; and the resident at Kirk's Ferry (12 miles) would pay on proposed tariff, only 15 cents more for the privilege than the resident at Ironsides (5 miles), while at the present rate the latter would pay \$2.55 more for the same privilege.

It was also objected, as regards some of the Montreal rates, that the greater the distance from the centre where the commuting traffic was lighter and less representative of the general commuting class (at least as regards the fifty-five-trip ticket) the less the percentage of increase is imposed upon the service rendered, and reference to the tariffs seems to show that the objection is not without weight.

These are some of the anomalies which, I think, should be removed in any readjustment of the tariffs, especially so if in the result, the railways' revenues were protected to a fairly equal degree. A scale increasing according to the service per-

formed could, I think, be found, which would remove most of these inequalities and anomalies.

The basis of the proposed rate for all classes of commuting tickets is a minimum of 10 cents as against 5.73 cents, 5.75 cents, and 5 cents, respectively, as present minima for fifty-five-trip, forty-six-trip and ten-trip tickets, respectively, while the rate per mile for the three classes, respectively, of .85 cents, .425 cents, and 2.5 cents is proposed as against the present rate of .69 cents, .276 cents, and 1.72 cents respectively.

With the object in view of removing the inconsistencies and inequalities pointed out and complained of, it would be useful here to consider the complaints as to the issue of fifty-five-trip and forty-six (scholars') books of tickets. The object of the fifty-five-trip book, and of the forty-six-trip book respectively, is to commute the travel during the month of those classes who, respectively, travel twice a day between suburb and city: (a) six days a week to attend their daily employment in the city, and (b) five days a week to attend their schools. The basis in the first instance of the fifty-five-trip tickets, estimating twenty-five double trips per month, leaves five tickets over for extra trips; in the second case the forty-six-trip ticket is based on the scholars having to travel twice a day for say twenty days a month, leaving six tickets to spare for extra school days, or extra trips to and from the city. The commuters object to this, on the ground that the book of tickets is rarely used up, and that in the result there is an annual loss in unused tickets in the first case (fifty-five trips) of at least five tickets per month, and in the second case (forty-six trips) of four to six tickets per month. I see no necessity for this wastage, especially as when one book is used up, another, good for thirty days, can be bought, and a change might be made which would have the double effect of staying wastage and equalizing rates. My view is, that the complaints in this respect ought to be remedied and a reduction in the number of the respective books, fifty-five and forty-six, ought to be made, and I would substitute a fifty-trip book and a forty-trip book for these commutation classes respectively, upon the same basis as to cost, namely: .85 cents and .425 cents per mile respectively, with a 7½ cent minimum instead of a 10 cent minimum proposed by the railways, for every ride. While in the case of scholars' tickets this would not remove the anomalies as to cost of ticket books according to comparative distances heretofore shown, it would, in some degree at least, offset that unavoidable inconsistency by giving the scholar commuter a benefit in the form of avoidance of wastage in unused tickets referred to.

The request of the railways that they be allowed to shorten the duration period of ten-trip tickets from six months to three months would work no injustice to that class of commuters, is, I think, reasonable, and ought to be allowed.

With the changes referred to in rate and number of tickets in book (substituting fifty-trip for fifty-five, and forty for forty-six, respectively) the following comparative examples as to areas out of Ottawa, Montreal, and Toronto will show the comparison between the present rates, the proposed rates, and the rates as they would appear if built up with regard to the changes I have set out:—

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#### COMMUTATION FARES.

	2511	55 r	ides	85	0	46 rides		•42	5
Ottawa to	Miles	Old	New Min. 10c.	Min.		Old	New Min. 10c.	Min.	
				55	50			46	40
Ironsides	5 9 12 18 22 25	3·15 3·80 5·70 6·95 8·85 10·10	5.50 5.50 5.65 8.45 10.30 11.70	4·10 4·20 5·60 8·40 10·30 11·70	3·75 3·80 5·10 7·65 9·35 10·60	2.65 2.65 2.65 2.80 3.55 4.10	4.60 4.60 4.60 4.60 5.15 5.85	3·45 3·45 3·45 3·50 4·30 4·90	3·00 3·00 3·00 3·05 3·75 4·25
Montreal to  Lachine.  Dixie. Dorval. Pt. Claire. Ste. Annes. Vaudreuil. Hudson Hgts. Pt. Fortune. Bordeaux. Ste. Rose. Ste. Therese. Shawbridge. Ste. Agathe.	8 9 10 14 21 24 33 48 10 18 20 42 64	3·15 3·80 4·45 5·70 7·60 9·50 12·65 19·60 3·15 6·35 7·60 15·80 25·30	5.50 5.50 5.50 6.55 9.85 11.25 12.45 5.50 8.45 9.35 19.65 29.95	3.75 4.20 4.65 6.55 9.80 11:20 15:40 22:45 4.65 8.40 9.35 19:65 29:90	3.75 3.80 4.25 5.95 8.90 10.20 14.00 20.40 4.25 7.65 8.50 17.85 27.20	2.65 2.65 2.65 2.65 3.05 3.85 5.05 7.90 2.65 2.65 3.05 6.35	4·60 4·60 4·60 4·60 4·95 5·65 7·75 11·25 4·60 4·60 4·70 9·85 15·00	3.45 3.45 3.45 3.45 4.10 4.70 6.45 9.40 3.45 3.50 3.90 8.20	3·00 3·00 3·00 3·55 4·10 5·60 8·15 3·00 3·40 7·15
Toronto to  Weston Lambton Cookswille Mimico Pt. Credit Oakville	9 7 15 7 13 22	3·15 3·15 5·70 3·15 5·05 8·20	5·50 5·50 7·05 5·50 6·10 10·30	$\begin{array}{c} 4 \cdot 20 \\ 4 \cdot 20 \\ 7 \cdot 00 \\ 4 \cdot 20 \\ 6 \cdot 05 \\ 10 \cdot 30 \end{array}$	3.80 3.80 6.35 3.80 5.50 9.35	2.65 2.65 2.65 2.65 2.65 3.35	4.60 4.60 4.60 4.60 4.60 5.15	3·45 3·45 3·45 3·45 4·30	3·00 3·00 3·00 3·00 3·00 3·75

The table, as an example, is worked out with reference to present and proposed fitty-live and forty-six-ride tickets, and showing difference in applying the new basis I have outlined and which, I think, ought to be applied instead of the proposed tariffs. I have not included in the comparison the ten-trip tickets, the rate for which will be built up on the same basis, viz: 2.5 cents per mile, minimum per ticket 7½ cents, good for three menths instead of six months. It will be observed that the scholars' fares, in the present and proposed tariffs of the railway, work out at one-half the charge for the fifty live ride book, but on the basis set out, and which I think the fairer one, the charge for this class of ticket will be on the mileage basis, i.e., at half the fifty-five-ride basis per mile.

The new sity for consideration of the request from Weston, that fifty-five-trip tickets should be good for six months instead of thirty days, practically disappears with the reduction of the trip tickets to fifty instead of fifty-five. In making this cepter the complaint at appear to have lost sight of the fact that the fifty-five-trip ticket, or land, was based upon the purchaser commuting with the railway, the number of trips per month he would make in going to and from his work in the city each working day in the month as heretofore explained. To extend such a commutation over a language of would be to destroy the object and policy of commutation contracts. The ten trip tickets serve this kind of traffic. This request will, therefore, tail.

In the processed toriffs the railways have discontinued a privilege which in the interpretation of the process of the privilege is strongly objected to, particularly the class of commuter who is only temporarily during the summer months availing uliuse for a munitation rates in going from his summer residence to his work in the city and back again. The privilege has enabled this class of commuter to carry a limited amount of perishable food and table supplies daily, or as required. It is con-

tended, with reason, that for this class of commuter this privilege is a necessary incident, the withdrawal of which would put the commuter in most cases to the expense of having his food carried by express at great inconvenience, delay, and heavy expense, or, so far as space would permit, necessitates the carriage of a limited amount of it in the passenger coach, which would, with other personal packages usually carried by that class, seriously cumber the passenger cars. As the railways have included this kind of traffic (summer residents) in their commuters' classes in commutation areas, I think they might well give further consideration to the withdrawal of this incidental privilege as a limitation to the full enjoyment of the commutation fares. It is hoped that before filing a new tariff they will do so.

I have doubt as to how far the Board has power to interfere, to compel the restoration of the privilege in case the railways persist in withholding it. It must be considered with reference to the legal relations established by the commutation contract.

The carriage of baggage is not an incident of the commutation contract, except as to wearing apparel. The contract from its nature, applies only to the carriage of the passenger—not, except as specified, to his general baggage. The railways' contention that the privilege involves large extra cost in handling and exposure to liability for loss is, after a trial has been given to the practice, of course worthy of serious consideration. Commutation traffic as is defined in the Commutation Rate Case, 21 I.C.C. p. 428:—

"Stands by itself as a special and distinctive kind of service for which the carrier may demand no more than a reasonable compensation."

It does not necessarily carry with it the incidents of ordinary passenger traffic, one of which is the right of a passenger to have carried upon his ticket a limited amount of general baggage, for the care of which the railway is responsible. I can find no sufficient reason in all that has been urged in this respect on behalf of commuters, to justify this Board in assuming authority to order the railways to incur obligations beyond what the commutation contract calls for, viz.: the carriage of wearing apparel only as baggage, and, therefore, having, as the railways allege, tried the experiment as a privilege, and found it unworkable and detrimental, I do not see any justification for our interference with their discretion in declining to continue it in the new tariffs. If the same privilege be extended to commuters by railways not under the jurisdiction of this Board, I do not recognize in that fact any jurisdiction for this Board to compel railways, under its jurisdiction, to do likewise. I would be disinclined to interfere, under the circumstances, with the decision of the railways in this respect.

Another request that was made, at the Toronto sittings, by the town of Weston, was that in commutation areas, served by two or more steam railways, the Board should order that commutation tickets should be interchangeable, that is, that the tickets used by one line for this class of traffic should be good for passage on the other line, and vice versa. The railways object to such a provision, not only on account of the great amount of extra work that would be involved in exchanging tickets, and the increased cost, but on account of the confusion that would be occasioned in the operation of such a plan, and in the face of that objection, I can see no power in this Board to order that a "Special and distinct contract" (such as a commuter's contract is defined to be—21 I.C.C.R., ibid) made by a commuter with one railway company should be binding upon another railway company, and vice versa. The innovation, convenient though it might be to the commuter, would involve much complication, in law, and practical operation. A railway ticket has been defined to be evidence of contract between the parties, limited in terms and conditions to a certain route only, to which the holder must strictly conform;

G.W.R. Co. v. Pocock, 41 L.T.N.S. 415, and the contract is also conditioned upon the railway company's by-laws and time-tables. In the face of the objection, this request was not, I thought, insisted upon. At any rate, I am of opinion that it is not a condition which the Board ought to, if it could, impose upon the railway.

Having dealt with the main objections to the proposed tariffs, and with those requests, or suggestions, urged on behalf of commuters for their improvement, and having considered, as heretofore set out, the question of rates, I would conclude that the tariffs proposed are not free frem objection, and ought not, for the reasons shown, many of them apparent in the tariffs themselves, be allowed to go into effect.

The respective railway companies should be permitted to file new tariffs of fares, for commutation passenger traffic, applicable to present zones of commutation passenger traffic, on the basis I have mentioned, namely:—

- (a) Fifty-trip tickets, good for thirty days, on the basis of 85 cents per mile of travel, with a minimum charge per ride of 7½ cents.
- (b) Forty-trip tickets (scholars' tickets), good for thirty days, on the basis of .425 cents per mile of travel, with a minimum charge, per ride, of 7½ cents.
- (c) Ten-trip tickets, good for three months, on the basis of 2.5 cents per mile of travel, with a minimum charge, per ride of 7½ cents.

These fares, I am of opinion, afford reasonable increased compensation to the railways for this class of service and will, in their application, remove many of the inconsistencies and inequalities complained of by the persons availing themselves of the service. It is not suggested that the increase will make up the loss the railways are sustaining in the service, but we are dealing with low rate fares and the proportionate increase is, I think, reasonable in the circumstances.

#### H

The second branch of this case is the application of various municipalities and persons named, on page 3 hereof, for the exercise by the Board of its discretionary power under the new legislation, subsection (2) of section 345, of the Railway Act. They are applications to extend the commutation passenger fares to other territory, either new territory, or in extension of those zones in which commutation traffic moves at present.

The applications are—

- (a) Streetsville, 20.3 miles from Toronto, on C.P.R. (p. 1642).
- (b) Brampton, 21.04 miles from Toronto, on G.T.R. (p. 1646).
- (c) Woodbridge, 16 miles from Toronto, on C.P.R. (p. 1666).
- (d) Agincourt, 9 miles from Toronto, on C.P.R. (p. 1669).
- (e) Weston, 9 miles from Toronto, on C.P.R.
- (f) Bolton, 27 miles from Toronto, on C.P.R.

Evidence and argument, in each case, covered substantially the same vague and general grounds, viz., the convenient distance from the centre (Toronto); that there are now a number of residents in each place who are frequently, some regularly, travelling in and out of the city; that if commutation fares were in force there would be a strong probability that a larger number of the residents in that place would take advantage of them, the density of the traffic being largely a matter of speculation, and doubtless, losing nothing in volume because of the conjecture; that commutation fares are in force, or have been in force, to some nearby place, or to some other place of lesser import (in the opinion of the advance of the suburban area) and, therefore, the privilege should, as a matter of right, be accorded to that

place; and, common to all cases, is the argument that to withhold commutation fares would be to countenance discrimination by the railway concerned.

By subsection (2) of section 345 (the amended section: "Whenever the Board sees fit, it may require the company to grant and issue commutation tickets at such rates, and on such terms as the Board may order").

In no case did the applicants for new zones, or extensions of present zones. specify with particularity just what was wanted, what the zone should be, or what rates for the new service asked for would be reasonable compensation to the railways for extending a low rate service clearly shown, where operated, to be entirely without any profit, but on the contrary a deficit creating operation. The applicants merely stated to the Board the isolated needs of the towns or stations they represented, not giving consideration to the fact that to serve their particular station would necessarily involve establishing a new commutation zone, or extension of an existing commutation zone, to serve intermediate, surrounding, or adjacent places, whose rights to such were none the less existent because they were not heard. In thus appealing to the judicial discretion of the Board, under the new legislation (ss. 2 Sec. 345) I think that the onus is upon the applicants to make out a case, not only prima facie, but which would satisfy the Board, that it was one for the exercise of the discretionary power, in short that the words "Whenever the Board sees fit" imply, I think, that a duty is east upon applicants to the discretion of the Board to make out such a case as will, of itself, induce the Board to see the fitness of granting the application, by the strength of the case, and not merely by suggestion and statement as to necessity of such a service. I am of opinion that such onus must rest upon the applicants, and I am unable to see that in any case it has been discharged.

All that has been urged upon the Board on behalf of these places could, with equal potency—in some cases greater—be urged by every so-called suburban settlement contiguous to every city or town in Canada. Given a centre of industry, or commerce, a county or market town, the centre of a radius from which there is frequent movement into and out of the city, and there would exist a claim equalling in strength those pressed upon us for the compulsion of the railways to grant commutation fares. To withhold the privilege in the one last set of cases would involve the same discrimination as claimants argue would result from their being denied the benefits of the low fares.

It requires no great strength of imagination to see how soon the railway systems of this country, now saddled with enormously increased operation expenses, could be broken down if such a system were forced upon them by this Board, in assumed exercise of a statutory power.

The railways are entitled, by law, to their standard passenger tolls. These tolls have had to be increased by the sanction of the Board, because of the enormous increase in operating cost—so great as to endanger the maintenance of the systems. It will readily be seen that for the board to interpose what statutory authority it now has (except in a clearer case for relief than now appears) by virtue of the amended section 345, subsection 2 of the Railway Act, and order the railway companies to grant and issue commutation fares, wherever similar conditions to those relied upon by applicants existed, would be to compel not only an experimental traffic, but would compel the railways concerned to carry such traffic as was involved in the reduced fares at a loss, both of which results have been disapproved by principles affirmed by this Board.

British Columbia News Co. v. Express Traffic Association, 15 C.R.C. 175,

In the judgment of the Board, in re Kate S. Massiah, v. C.P.R., file No. 23865, May, 1914, (17 C.R.C. 88), a case involving very similar conditions to those now before us, Mr. Commissioner (now Assistant Chief Commissioner) McLean, says:—

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"The standard passenger rate in Eastern Canada, is three cents (now 3.45 ets.) and within this standard the railways have discretion as to varying the rate under certain conditions, subject to the obligations, imposed by the Railway Act in regard to discrimination."

That discretion still remains with the railways, subject as before stated. It is preserved by section 345, subsection 1 (b) of the Railway Act, which reads as follows:—

"(345). (1) Nothing in this Act shall be construed to prevent-

"(b) The issuing of mileage, excursion or commutation passenger tickets, or the carriage at reduced rates, of immigrants, or settlers and their goods or effects, or any member of any organized association or commercial travellers with his baggage."

So that, subject to the obligations of the Act, as regards discrimination, the railway is left free to develope and manage its own business, and where, in its judgment, it will develop or increase passenger traffic in any sections or areas, to employ

mileage, excursion or commutation rates for that purpose.

The new legislation does no more, in my opinion, than give the Board, what, before its enactment it did not possess, viz., a judicial discretion to make such an Order, "whenever the Board sees fit". It is a power which, in my view, and having regard to the fact that the right to so issue these commutation tickets is still preserved to the railways, is intended to be exercised, or at any rate should be used primarily, in a remedial way, to prevent, or remedy those differences of treatment made apparent to it and which clearly amounted to discrimination. It clearly never was intended by Parliament that this power should be exercised by the Board indiscriminately so as to interfere unduly with the discretion of the railways, but as a means in the hands of the Board, to correct a misuse or wrong exercise of that discretion, clearly established to its satisfaction. Therefore its object is remedial.

I have examined what evidence and arguments were submitted, with an anxious desire to determine the quantum or extent of the alleged discrimination or difference in treatment complained of by the granting of commutation fares in one locality and withholding them in others. I confess I find myself unable to get much light on that subject from evidence or argument in most of the cases. Difference of treatment and a discrimination in favour of one area, or set of places, in preference to others, undoubtedly has been shown by the mere fact that as to the one set the fares are granted, and in the others they are withheld, but this is not unjust discrimination justifying any interference by the Board, or the invoking of the new section (sub-

section 2 of 345).

Certainly there was no case established by the several complaints that their respective loci were more discriminated against in relation to neighbouring places enjoying the commutation fares, than was Brampton in relation to Oakville, yet although much was ingeniously and forcefully urged on behalf of Brampton by Mr. Wegenast, to establish an unquestionable similarity and consequent claim, as of right, to similar treatment as Oakville, it appeared to me that the case of Brampton stood just where it was after the much litigated case in which the decision was advers to Brampton on the same facts and conditions as now relied upon. Let us compare the Brampton case with the status of Oakville. Brampton is a thriving county town of some 6,000 inhabitants. It is the centre or market town for the county of Peel. It has its own industries, its own local business concerns, and the prople who operate them live in, or near Brampton. It happens to be located upon the same, or shorter, distance (some 20 miles) from Toronto, as is Oakville. By reason of its proximity only, numbers of its inhabitants are constantly going in and mu of the city of Toronto, paying standard fares. It has a few residents who go daily to and from Toronto in the course of their daily business. The railway records

show not more than seventeen by actual count—Mr. Wegenast claims fifty or more, rather vaguely. It is seeking, quite properly, to secure for itself as residents many Toronto people who seek residence outside the city, owing amongst other reasons to difficult and expensive living conditions within the city. It, not unnaturally, is seeking the medium of cheap transportation rates, to and from Toronto, to induce city people to locate there. It presses its claim to commutation tickets, upon the possibility that the granting of them would create it into a place of suburban residence. Mr. Wegenast admits this, when he says (volume 324, p. 1644):—

"I wish to satisfy the Board as to the *possibilities* of Brampton as a place of suburban residence."

And Brampton seeks the commutation fares in aid of this experiment, the cost of which, did the attempt fail or succeed, would be on the railways carrying the traffic, the gain that of Brampton in increased prosperity—largely at the cost of the railway. It asks the railway to make the experiment, and the railway declines, and I see no reason why the Board should interfere with its decision.

Oakville is an established suburban residential area, and has been of growing and recognized importance as such, for many years. Mr. Gregory, himself, a resident, says there would be about 150 daily commuters, and in summer between 200 and 300. Brampton is a self centred, established county town seeking enlargement. Oakville is a well known suburban resort. The difference between the two places is well defined. In granting the commutation fares to Oakville, and withholding them from Brampton, the railway was acting within its rights, and was guilty of no unjust discrimination. Such was the decision of this Board some years ago.

In city of Toronto and town of Brampton v. G.T.R. and C.P.R., 11 C.R.C. 370, the late Chief Commissioner Mabee said, in delivering the judgment of the Board, in which the same dispute came the second time before the Board for decision:—

"So that, as I understand the position now, if a railway company exercises the discretion given to it under section 341, that discretion remains uncontrolled and should not be interfered with by the Board unless there is some affirmative evidence that it results in unjust or unfair discrimination between persons or localities."

That decision is applicable to the facts now presented and I would adopt it and

dispose of this dispute accordingly.

No other cases call for special consideration, in view of the general principle referred to, and which I think should govern this class of application. No cases of unjust discrimination were established. The principles applied in the decision of the Brampton case cited above apply equally to these applications in respect of which no case has been established, prima facie, which could, in my opinion, call for any exercise of that discretionary power which is invoked by the applicants and which I would suggest was never intended to be exercised, except in a very clear and definite case, necessitating remedial action upon well established grounds.

The applications would be dismissed.

COMPLAINT OF LAKE LUMBER CO., LTD., THE J. C. WILSON LUMBER CO., AND THE MERCHANTS OF QUALICUM BEACH, B.C., AGAINST DISCRIMINATION IN THE MATTER OF ARBITRARY RATES ON SHIPMENTS OF LUMBER FROM QUALICUM BEACH, B.C., AND DASHWOOD, B.C., E. AND N. RY. (C.P.R.), TO VANCOUVER, B.C.

Judgment of Assistant Chief Commissioner McLean, dated April 9, 1920, concurred in by Chief Commissioner Carvell.

Complaint is made that on the movement of lumber to destinations east of Vancouver, between the British Columbia-Alberta boundary and Port Arthur, the

through rates from Qualicum Beach and Dashwood are 3 cents per 100 pounds over Vancouver; in the case of Victoria, it is only 1½ cents over Vancouver.

It is submitted that the differences are not justified on mileage, it being contended that Qualicum Beach should not pay more than 1 cent over Vancouver. The distance Victoria to Ladysmith, a northerly haul, is 58.4 miles; from Qualicum Beach, a southerly haul, it is 4.34 miles; Dashwood is 3.2 miles beyond Qualicum Beach, 46.6 miles to Ladysmith. The Victoria arbitrary of 1½ cents is equivalent to 5.14 mills per ton mile, which applied to the Qualicum Beach mileage would give 1.12 cents per 100 pounds.

In favour of the lower basis asked for, it is also set out that on the movement from Victoria to Ladysmith an adverse summit at Malahat Mountain has to be

overcome. Malahat Station is 915 feet above sea-level.

The first through rates were published in 1904, and were blanketed over the old Victoria and Sidney Railway from Victoria to Sidney, and over the Esquimalt and Nanaimo Railway from Victoria to Nanaimo. Since the Canadian Pacific Railway assured the Esquimalt and Nanaimo Railway, the road has been gradually extended. The rate situation to destinations between the British Columbia-Alberta boundary and Port Arthur is now as follows, the parenthetical figures denoting the distances to Ladysmith and the amounts the differentials over Vancouver:—

On the old main line between Victoria (59) and Nanaimo (14), and beyond Nanaimo to Nanoose (29)	1½ cent.
From Port Alberni (76), on the west coast, and Courtenay (82), the	12 0011
present northern terminus on the east coast, and intermediate stations down to Qualicum Beach (44)	3 cents.
From Craigs (34), a single lumber shipping station between Qualicum Beach and Nanoose, the two above-mentioned differentials are	
keyed together by	2 cents.

Considered by itself, even the 3-cent arbitrary is not excessive for the distances to Vancouver, namely, 122 miles from Port Alberni, 128 miles from Courtenay, and 90 from Qualicum Beach.

On the movement from Qualicum Beach (90 miles), the arbitrary of 3 cents over

the Vancouver rate figures set out at 0.666 cents per ton per mile.

Reference is made to the fact that while from Victoria to Ladysmith, a northerly haul, there is a distance of 58.4 miles, with an arbitrary of 1½ cents over Vancouver, in the case of Qualicum Beach, a southerly haul, with a distance of 48.6 miles to Ladysmith, there is an arbitrary of 3 cents; and the disparity in rates and mileage are relied on as the measure of the reduction which it is contended should be made in the case of Qualicum Beach.

The whole rate structure on Vancouver island is affected by water competition. While Qualicum Bench is apparently not a shipping station directly competitive with the water route to Vancouver, it is given the same rate as Port Alberni, which is a shipping station that on account of its facilities is directly competitive with the water route. That is to say, to it, as an intermediate point, is given as a maximum the rate of the longer distance point which is a shipping station whose facilities make it directly competitive with the water route.

While reference is made to the comparative mileages by way of Ladysmith on the combined rail and water movement to Vancouver, it must also be remembered that there is epen from Victoria the combined rail and water movement by way of Usatimalt; so that as against the rail distance of 43.4 miles from Qualicum Beach to Ladysmith there is a rail distance of 3.7 miles from Victoria to Esquimalt. Lumber has move from Victoria, as a matter of convenience, dependent on car conditions, etc., either by way of Esquimalt or Ladysmith. But the rate over the Esquimalt reute—87 miles in length, of which only about 5 per cent is rail mileage—has a con-

trolling effect over the movement via Ladysmith, where 55 per cent of the distance is rail mileage. In the movement from Qualicum Beach 48 per cent is rail mileage. This control of the Victoria-Ladysmith route by the Esquimalt route has the effect, for rate-making purposes, of reducing the Malahat summit to a water grade.

The rate situation complained of is based on water competition. The rate which the applicant receives is held down by water competition. Subject to the position laid down in Midland Lumber Shippers vs. G.T.R. Co., 22 Can. Ry. Cas., p. 387 and p. 388—which is not applicable here as the cases are not on all fours—the general situation as to water competition is that the railway is not obligated to meet it, and the extent to which the railway may meet water competition is in its discretion. Nanaimo Board of Trade vs. C.P.R. Co., 23 Can. Ry. Cas., 92, at pp. 98 and 99.

Revision of rates as asked for cannot be directed.

RE APPLICATION OF THE RED DEER VALLEY COAL OPERATORS' ASSOCIATION FOR CONSIDERATION OF RATES ON COAL FROM ALBERTA

Judgment of Assistant Chief Commissioner McLean, dated April 15, 1920, concurred in by Chief Commissioner Carvell and Commissioner Rutherford.

The matter involved was spoken to, in outline form, at a hearing of the Board in Winnipeg on March 3, 1919, before the ex-Chief Commissioner and Commissioner Rutherford. It was agreed to handle the matter by written submissions. A brief was submitted by the applicant. Written submissions were made by the railways. Further submissions have been received. The final reply of the applicant was received on January 13, 1920.

In the first place, complaint is made as to the operation of the rule providing for the disposition of fractions under P.C. Order No. 1863, in so far as the matter of rates on coal are concerned. This rule reads as follows:—

# (2) Rates per ton:—

Amounts of less than five cents to be omitted.

Amounts of five cents or greater, but less than ten cents, to be increased to ten cents.

The provision contained in the aforesaid Privy Council Order are continued in force on and from January 1, 1920, by General Order of the Board No. 276, dated September 31, 1919.

It is contended that under these regulations increases have been made which it was not the intention of the P.C. Order to grant. It is stated that the order in question contemplated an increase equal to that made in United States territory by the McAdoo Award, but that in fact the operation of the rule has meant an addition of 5 cents per ton an all rates both for long and for short distances.

This matter has been gone into and the rates carefully checked. In the tariffs of the companies in effect prior to the issuance of P.C. Order No. 1863, rates were published ending in one-quarter and three-quarters of a cent per 100 pounds, which were produced by reason of General Order of the Board No. 213, increasing rates 15 cents per ton. This had the effect of making the rates per ton end in 5 cents, and the additional increase of 5 cents complained of necessarily follows from the decision in the Fifteen Per Cent Case and the ruling under P.C. Order No. 1863.

The second point of the application is concerned with a request for a reduction in rate in competitive territory. It was pointed out that Alberta coal was not subjected to the competition of American coal in the territory which lay west of a boundary roughly delimited by a north and south line through Saskatoon and Regina. It was said that in eastern Saskatchewan and Manitoba there was a competition of American coal to be met.

The point at which competition began to be a factor in importance was stated to be practically identical with the \$3 per net ton rate; that is to say, the territory west of the area so definited was non-competitive, and from this point east to Winnipeg it was competitive. In reality, the \$3 basis is arrived at by comparison with the Fort William-Winnipeg rate. The applicant states:—

"The starting point where we think the reduction should begin was fixed at places where the present rate is equal to \$3 per ton, with the express purpose of preventing a request for a reduction in the rate from Fort William to Winnipeg where the rate is now \$3.10."

What is desired is a reduction in rate of \$1 per ton to Winnipeg and a scaling down of this rate westerly to a point where there will be a reduction of 50 cents, no reduction being made on the \$3 rate. It is stated that a million and a half tons go from Alberta mines into this competitive zone, and that the reduction asked for would average 50 cents per ton on this account. It is further computed that the decreases asked for would, on the total Alberta output, average 163 cents per ton.

The Canadian National in computing the effect of such an average reduction states that on its shipments from Alberta mines for the year ending April, 1919, amounting to 1,082,410 tons, the reduction would be equal to \$180,000; while the Canadian Pacific on its shipments from the Alberta mines, totalling 1,953,250 tons, computes a decrease of \$325,000.

The argument advanced by applicant, so far as rate computations are concerned, is an ingenious one built up, on comparisons with rates under the general rate structures in the United States as well as with coal rates in the United States. It is based on an assumption which, to quote his language, is as follows:—

"If we may go so far as to assume that the American freight tariffs, made after long experience, among a large number of carriers, carefully revised and reviewed by a competent rate-making body, are scientific in proportion and in their relationship as between different commodities carried by the American roads, then we may deduce from their examination a rule which will make it easy to decide the otherwise difficult question we are considering."

The rule he deduces, when analyzed, is as follows:-

- (a) Commodity rates on Canadian coal subject to competition of United States
- (b) should be in same relation to other Canadian commodity rates
- (c) as United States coal rates, in similar territory, are to the commodity rates on the United States' roads carrying the coal in question.

Putting the matter summarily, the proportionate relation between coal commodity rates and other commodity rates on a United States road or roads, should, when there is competition between United States and Canadian coal, be the measure of the proportion between Canadian coal commodity rates and other commodity rates.

The rule as enunciated recognizes that unless comparisons are limited to "similar" territory, initial difficulties have to be faced. In instancing, as applicant does, for purposes of comparison, a rate between St. Louis and Chicago, thus comparing a movement in official classification territory with movements in Western Canada, adjacent to western classification territory, this caution is disregarded.

There is a defect in the fundamental assumption that rates have been built up on a scientific basis in the United States. This assumption is a counsel of perfection after the magnitude of the larger sullways in the United States, in giving evidence before the Internal of Commission when asked flow rates were built up, said they were

built up "on comparison, competition and compromise." Without taking this as a final statement of the principle on which the rate structure of the United States has been built up, it may be said that a careful study of the decisions of the Interstate Commerce Commission does not show, operative in the United States, that general uniformity and scientific accuracy in working out the rate structure which the applicant assumes.

Commodity rates in the United States have been worked out in terms of particular facts and with no necessary relation to the level of other commodity rates. While the argument is developed with application as well as with eleverness, it does not appear that a position which is based on unsecured assumption is of any help or guidance in dealing with the basis of rates in Canada.

The Board has held that with mere mileage comparisons as between rates in the United States and rates in Canada, no information being submitted as to whether conditions are similar either in point of traffic or in operation, the rate comparison cannot be taken as conclusive as a criterion of unreasonableness.

Canadian Oil Cos. vs. G.T., C.P. and C.N. Ry. Cos., 12 Can. Ry. Cas., 350, at p. 355.

Manitoba Dairymen's Ass'n. vs. Dominion and Canadian Northern Express Cos., 14 Can. Ry. Cas., 142, at pp. 148-149.

Reference may also be made to the authorities therein cited.

There being a lack of a common denominator—there being other factors as well as mere mileage to consider—mere mileage comparisons, without proof of substantial identity of conditions, cannot be taken as affording criteria of comparative reasonableness. The comparisons given below emphasize what is set out above.

The comparisons of similar mileages as between the United States and Canadian movements give different results. The railways submitted comparisons to show that for five Canadian destinations out of Drumheller, with an average mileage of 670, and five in the United States from Montana, with an average of 665 miles, the coal rate in Canada averaged 51.3 per cent of 10th class, while in the United States it averaged 54.8 per cent of Class D, the corresponding class under the western classification. These are criticized by the applicant as not being concerned with movements, so far as the United States is concerned, from representative points in representative territory.

The Canadian National submitted mileage and rate comparisons for eight movements out of Drumheller, and for ten movements from Montana points and two from Wyoming points.

To illustrate how the comparative United States' mileages vary as to rates, the following may be noted:—

Location of Initial Point Mileag	Rate Cts.
Montana	.1 19
"	. 3 23
"	. 2 24½
"	. 0 22
" 759.	.1 27½
Wyoming	251
Montana	.8 28½
Wyoming	0 271

For purpose of comparison, I have taken in each case the United States point which, on common or comparative mileage, gives the lowest rate. The result is as follows:—

	Average	Average
	mileage	rate
Out of Drumheller	553	19.2
Out of Montana or Wyoming	554	23
Average per ton mile out of Drumheller		763/100 mills
Average per ton mile out of Montana and Wyoming	* * * 4	827/100 mills

The applicant submitted rate comparisons which were contested by the railways as not being characteristic, it being alleged that they were on an abnormally low intra-state rate brought about by state activity; and the contention was advanced that inter-state rates, under the jurisdiction of the Interstate Commerce Commission, were higher.

As characteristic, the applicant submits various rate comparisons. He quotes a mileage tariff from North Dakota covering distances up to 700 miles, and showing a rate of \$2.70 for a one-line haul and \$2.80 for a two-line haul for this distance. As against the rates from Montana points, which the applicants contest as not being characteristic, two movements from Round Up, Montana, to Iowa points are given which show for distances of 826 miles and 790 respectively a rate of 19½ cents and per ton mile rates of .44 and .47 respectively. Some ten other rate movements on relatively low rates on long hauls are quoted. These are all concerned with movements originating in Illinois and destined to points in South Dakota, Iowa, Wisconsin, Ohio, Minnesota, and Nebraska. It is apparent that some of the movements concerned are subject to water competition, and, in general, there is no proof of identity of conditions.

The authorities already cited draw attention to the fact that with inherent differences in conditions, differences in result as to rates based on comparative mileages will be found. It is not in this application alone that this has been developed. In other cases presented before the Board, where the comparisons as between the United States and Canada have been made based on comparative mileages, the results have been so distractingly differing as to remind one of the ancient

saying—" As are the leaves of the forest, so are the opinions of men."

The reduction as asked for has been set out. The rate comparisons made are intended as a comparative justification. But what is in reality contended for is not so much based on an argument as to the unreasonableness of the existing rates per se. It is rather an argument based on a principle involving the readjustment of the existing method of distribution in the coal business west of the Great Lakes. In one of the written submissions, it is alleged that existing rates "prohibit" the free movement of western coal into eastern Saskatchewan and Manitoba. The word "prohibit" must be taken as meaning simply an indication of the applicant's thought that the trade in western coal in the competitive zone is not so great as he desires, for he has already referred to a consumption of approximately 1,500,000 tons in the competitive zone.

It is contended that on a proper basis, Manitoba would use 2,000,000 tons more of Alberta coal than at present.

In a letter of the Armstrong Supply and Fuel Company, Limited, in support of applicant's contention, the opinion was expressed that the reduction of \$1 per ton would lead to the displacement of from two-thirds to three-quarters of the anthracite coal.

In the correspondence submitted by applicant in support of his contention, there is a letter to J. C. McNabb & Son of Winnipeg, dated March 25, 1919, from which the following excerpt may be taken:—

"We put a few loads of Alberta coal into the Y.M.C.A. here this winter on a guaranteed understanding that if they did not get as good value out of it as out of American coal, which they were then using, we would give them a rebate, so that by using Canadian coal they would not lose money. The coal was tested out by the engineer and it was necessary for us to give a rebate of \$1 per ton....."

In the submissions made, the comparative thermal unit value of the two types of fuel are referred to. In view of the fact that, when the rate basis on coal was

struck, under the Western Rates Case, the Board put in a basis as low as could be consistently directed, it does not appear necessary to pursue this analysis further, other than to say that if, as submitted, it takes approximately a ton and a half of western domestic coal to equal a ton of anthracite, then what is being asked for is that a producer's cost disadvantage should be equalized in the rate.

The applicant puts his position very broadly when, in his reply, he says: "There should be no American coal west of the Great Lakes in Canada. We confidently believe we can get and keep the market at a saving to the people of Canada, and

especially of Manitoba, if we can get the railway rates asked for."

This is not the first occasion on which such a position has been put before the Board. In Canadian Oil Cos. v. G.T., C.P., and C.N.Ry. Cos., 12 Can. Ry. Cas., 350, at p. 356, a representative of the applicant company put his position thus: "That as a Canadian industry we be protected so that we are not forced out of the market and the Western market turned over to the American refiners." What was being asked for was a reduction in rate to offset the advantage which it was stated had accrued to the Kansas refiner as a result of reduction in customs duty. The following language is to be found in the Judgment of the Board at p. 357:—

"As I read the Railway Act, it does not fall within the scope of the Board's powers to reduce a rate because a removal of customs duty has created a keen competition. If the removal of duty creates the situation complained of, it is to another body that application must be made for relief."

and, further, at p. 358:-

"In the case before us, while, personally, I have sympathy with the 'territorial sectarianism' which desires industries to be established in one's own country in preference to a foreign country, the matter of sympathy affords no justification for the reduction asked. The existing rate not having been shown to be unreasonable, it is in the discretion of the Canadian railways whether they shall meet these rates and conditions which are, in great degree, due to trade competition, situation advantage and remission of duties."

It is not the Board's function, as delegated by Parliament, to make rates to develop business, but to deal with the reasonableness of rates either on complaint or of its own motion. The Board is not justified in ordering the installation of experimental rates.

British Columbia News Co. vs. Express Traffic Ass'n., 13 Can. Ry. Cas., 176 at p. 178.

See also Re Commutation Rates Case.

The matter must, therefore, be dealt with from the standpoint of whether the rates involved are unreasonable either from the standpoint of the specific finding of the Board or from the standpoint of the comparative rate westbound from the head of the Lakes, or both. The latter phase should be considered since the competition of

United States coal is the central fact in the application.

In the Western Rates Case, 55 per cent of 10th class was established as a commodity basis for coal, and in fixing this the Board was duly seized of the question of United States rate comparisons—a great many of which were submitted in the course of the hearings—and also of the part played by coal in the economy of the West. In fixing the basis, the lowest basis which could be justified was taken. The increases which have been made under the Fifteen Per Cent Case and P.C. Order No. 1863 do not disturb the basis; they are additions to the rate. There is, therefore, in operation on the coal movement concerned a rate built up of a basis specifically directed by the Board, with the addition thereto of a specific increase found necessary (in the Fifteen Per Cent Case) and directed by the Board, and a further increase

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found necessary under P.C. Order 1863, and since then specifically sanctioned by the Board.

A comparison of the rates from Drumheller east and from Fort William west is pertinent from the standpoint of determining whether there is uniformity of base; in other words, whether one coal-shipping section is discriminated against in favour of another.

The effect of the short mileage from Duluth spreads west. References were made to the rates from Fort William to Emerson and from Fort William to Gretna, as shown in the following table:—

"The rates quoted from Fort William to Emerson and Gretna are issued to meet the rates published from Duluth. The coal shipped from Duluth originates in the same territory as that handled via Port Arthur, and it is necessary for the Canadian lines to meet the rates from Duluth, in order to obtain a haul on coal from Port Arthur and Fort William instead of having it moved via the Duluth gateway. The following shows the present rates, and what they figure per ton per mile. The rates from Duluth are also shown and it will be noted that the distance from Dulth is considerably lower than from Fort William:—

Fort William to Emerson	Mileage	Per Ton	Per Mile
C.P.R.,	481	\$2.70	\$0 56
C.N.R	416	2 70	0 65
Duluth-Soo	337	2 70	0 8 0
Fort William to Gretna-	Mileage	Per Ton	Per Mile
C.P.R	489	\$2 70	\$0 55
Duluth-G.N.R	380	2 70	0 71

On the movement from Fort William to Emerson, the Duluth mileage is 77 per cent of the Canadian Pacific mileage from Fort William and 78 per cent of the Canadian National mileage; in the case of the movement from Fort William to Gretna it is 73 per cent.

The controlling effect of short line mileage on the rate is apparent, and it will appear that the ton-mile earnings on the longer hauls of the Canadian National and Canadian Pacific, where the rate is held down by the shorter mileage of a competing line, have no necessary bearing on the reasonableness of rates where no such question of short line mileage arises.

The Canadian National submits a table of comparative mileages and rates. Omitting the destinations as given and adding per ton mile rate computations, comparisons as between Drumheller east and Fort William west are available. As it is the competitive activities of Western and United States coal which are concerned, the mileage comparisons are germane. The railway gives two distances in excess of 777 miles. These have, however, been omitted, as 777 miles is the Regina distance from Fert William, and Regina is referred to by the applicant as being on the boundary of the competitive zone.

					M	liles	3								Raten	er Ton	Per Ton M
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414		* *										 			\$3	20	.773
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420 475	t W	illi	(1)))-	_	M	liles	3	• •				 		• •	Rate p	er Ton 10 60	Per Ton A .738 .758
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420 475 553	t W	illie	(1)n-		M	liles		• •	• •		• •	 	 	• •	Rate p	er Ton 10 60	Per Ton A .738 .758 .779

Averaging the distances, rates and ton-mile rates, the following detail is available:—

	Distance in miles		Aver. Ton-mile rate in mills
From Drumheller	583	20.1	.691
	584	21.5	.737

A similar tabulation for the Canadian Pacific gives the following results:-

From Drumheller—	
Miles	Rate per Ton Per Ton Mile
420. 475. 555. 599. 681. 777.	\$3 20 .761 3 60 .758 4 00 .720 4 10 .684 4 60 .675 4 70 .605
From Fort William-	
Miles	Rate per Ton Per Ton Mile
420. 475. 553. 600. 684.	\$3 10
Distance   in miles	Aver. rate per 100 lb. Aver. ton-mile rate 20.1 .690 .737

The rates eastbound from Drumheller are on a basis approved by the Board, and there is nothing to show that the rates westbound into the competitive zone are on a basis which discriminates against the eastbound movement from Drumheller.

The argument presented on behalf of the applicant is both ingenious and able. But it is based on assumptions which disregard certain essentials in rate-making and regulations; and, above all, the argument disregarded the statutory limitations of the Board's powers.

The Board's rate functions are concerned with reasonableness of rates, both from the standpoint of reasonableness in itself and from the standpoint of comparative reasonableness.

The Board in dealing with the reasonableness of rates has a limited function. It deals with developed industry as it finds it. It is given no power to readjust industry, nor is it empowered to take readjustment of industry, on such theory as it may think proper, as the measure of rate adjustment. It is not empowered to cause two tons of coal to be produced where one was produced before, whether this means a doubling of the actual stock in the market or simply a diversion from one producer to another. It deals with conditions of developed industry, not with theories thereof. There is no need to speculate about whether such a jurisdiction as applicant's argument implies would improve industry or render it worse. It is sufficient to say that Parliament has not given the Board this jurisdiction.

As was pointed out in Western Retail Lumbermen's Assn. v. C.P., C.N. and G.T. Ry. Cos., 20 Can. Ry. Cas., 155, a railway company is not called upon to so adjust its rates that the shipper will always be able to carry on his business at a profit. The rate is only one item in the shipper's costs. The obligation of the railway company is to charge a reasonable rate. It is not called upon, through the reduction of the rate, to guarantee that the business will be carried on at a profit. It is not part of the obligation of a railway company, under the Railway Act, to equalize costs of production through lowered rates, so that all may compete on an even keel in the same market.

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Canadian Portland Coment Co. v. Grand Trunk and Bay of Quinte Ry. Cos., 9 Can. Ry. Cas., 209, 210;

The Canadian Oil Cos. v. Grand Trunk, Canadian Pacific and Canadians Northern Ry. Cos., 12 Can. Ry. Cas., 350-356.

A case for the reduction or elimination of competition through the reduction of the rate—the rate as existing not having been shown to be unreasonable—has not been established.

- Re PROTESTS AGAINST THE ADOPTION OF SPECIAL PASSENGER TARIFF OF TOLLS FILED BY THE OTTAWA ELECTRIC RAILWAY COMPANY BETWEEN HOLLAND AVENUE AND MCKELLAR AND INTERMEDIATE POINTS, BETWEEN MCKELLAR AND BRITANNIA-ON-THE-BAY AND INTERMEDIATE POINTS AND BETWEEN CLOVERDALE ROAD AND THE RIFLE RANGE AND
- Judgment of Chief Commissioner Carrell, dated April 19, 1920, concurred in by Assistant Chief Commissioner McLean, and Commissioners Goodeve and Boyce.

This case was heard by the Board at Ottawa on the 31st of March last past as a result of a decision of the Supreme Court of Canada rendered at the last term of that court by which the question of adjusting the rates on that portion of the Ottawa Electric Railway Company's line not included within the City of Ottawa was referred back to this Board.

The application for increased fares both east and west of the limits of the City of Ortawa was first presented to this Board in the autumn of 1918, and at that time the company asked for the adoption of fares on the following basis:-

#### CASH FARES

	Between 1	he hours of	6.00 a.m.		lidnight dults	*Children
Within Zone 1,	2, 3 or 4.			5	cents	3 cents
Between Zone	1 and Zone	2 or 3		10	) "	6 "
" Zone !	and Zone	4		18	44	9 "
		3				9 "
		4				6 "
		4				12 "
Between the h					the ab	ove fares.

This rate applies for children under ten years of age

#### SPECIAL TICKETS

Between Zone 1 and Zone 2 or 3
Workman's-
Good only within Zone 1 from first morning trip until 7.30 a.m., and between
5 p.m. and 6.30 p.m.—
Thirty-three tickets
Eight tickets 0 25
School Children (Under 14 years of age)
Good only between the hours of 7 and 9.30 a.m., 11.30 a.m. and 1.30 p.m., and 3.30 and 5 p.m.—
Forty tickets \$1 00
One ticket for each zone travelled.
Sunday—
Seven tickets 0 25
One ticket for each zone travelled.
ISSUED AT OTTAWA, ONT., October 26, 1918.

The limits of the zones provided are as follows:-

Zone 1.—Within the municipal limits of the city of Ottawa and beyond to the Experimental Farm and to Cloverdale avenue on the Rockcliffe line.

Zone 2.—West of Zone 1 to and including McKellar.

Zone 3.—East of Cloverdale avenue and including Rockcliffe Rifle Range.

Zone 4.—West of McKellar to and including Britannia-on-the-Bay.

Judgment was given on the 10th day of February, 1919, disallowing the tariff on the ground that, as the whole system being operated as one was producing sufficient profit to pay a reasonable dividend upon the investment, the company was not entitled to an increase in rates on the Britannia and Rockcliffe extensions.

From this judgment the company appealed to the Supreme Court, and, as the matter has been so thoroughly argued both before this Board and the Supreme Court, I think it unnecessary to go into a resume of the history of the formation of the company excepting to say that the original company was created under the Statutes of the province of Ontario in 1866 and amended in 1868. In 1892, when the company wished to extend to Hull, they applied to Parliament, obtained the permission, and were declared to be a work for the general advantage of Canada and certain sections of the Railway Act were made applicable thereto. In 1894 the present company was formed by an amalgamation of two existing companies, and an agreement was entered into between the company and the city of Ottawa by which arrangement the company was to have the right to operate upon certain streets of the city, was to pay the city a certain mileage rate which amounts to about \$16,000 per year, and covenanted that, in no case, should the fare for an adult passenger exceed 5 cents for transportation over the system as it then existed within the city of Ottawa.

The important section providing for this limitation is paragraph 46, which is

as follows:-

"46. No higher fare than five cents shall be charged for the conveyance of one passenger from one point to another on the said line and branches thereof within the present city limits, and for children under ten years of age no higher fare than three cents shall be charged except between the hours of twelve o'clock midnight and five-thirty a.m."

This agreement was ratified and made binding and effective by Parliament in the year 1894, and was to run for thirty years from the month of August, 1894.

Shortly thereafter, an agreement was entered into with the village of Hintonburg, lying to the west of the city of Ottawa, containing practically the same clause as section 46 of the Ottawa agreement, but which was never ratified by Parliament, but the company have, up to the present time, treated the Hintonburg section, which is now and has been for some years a part of the city of Ottawa, the same as though it were incorporated in the original agreement, and, therefore, the question arises as to what would be the proper rates to charge from the western boundary of the village of Hintonburg, or Holland avenue, which is practically on the western boundary, west to Britannia, a distance of about 4½ miles, and from Cloverdale road, on the east of Ottawa, to the Rifle Range.

It is admitted by all parties that the extension from Holland avenue west was made by virtue of federal legislation granted the company in 1899 and that portion of the road is not subject to any agreements or in any way liable to any law other than the Dominion Railway Act. It is built upon a private right of way purchased by the company and not in any place upon the public streets of the municipality. It is in reality a railroad operated by electricity. The appeal was really upon the point of law as to whether the Britannia extension should be treated as a part of the whole system or as a separate unit, and consists of a series of questions propounded to the court, which are as follows, with the answers thereto and the formal judgment of the court referring the matter back to this Board:—

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"This court doth order and adjudge that the said appeal should be and the same was allowed, and that judgment be entered declaring that the questions submitted by the said board should be answered as follows:—

Question 1—Whether upon the proper construction of the agreement with the city of Ottawa and the village of Hintonburg, the statutes relating to the Ottawa Electric Railway Company and the relevant provisions of the Railway Acts, the Board was right in disallowing the tariff of the company filed providing for payment of additional fare for carriage upon the extension from Holland avenue, notwithstanding that the Board has found as a fact that the company did not require additional revenue.

Answer—This question is not answered since it involves questions of fact within the exclusive competence of the Board of Railway Commissioners. So far as it involves a question of law it is covered by the answer given to the first part of the third question.

Question 2—Also, whether upon the proper construction of the said agreement and statutes for the purpose of computing the toll to be charged to passengers upon the said extension the point of commencement of the said extension should be considered to be at Holland avenue or at the former westerly limit of the village of Hintonburg now the city of Ottawa.

Answer.-At Holland avenue.

Question 3—Has the Board the right to treat the company's operations as a whole and continue the existing tariff?

Answer.-No.

Question 3 (Cont'd.).—or must the Board permit the filing of tariffs on a mileage basis covering services on the Britannia line without reference to the larger part of the system covered by municipal agreement?

Answer.—Yes, though not necessarily on a mileage basis.

And this Court did further order and adjudge that the opinion of this Court upon the said questions, shall be certified to the Board in order that the said Board may make an order in accordance with such opinion.

And this Court did further order and adjudge that the appellants costs in this Court shall be paid by the respondents to the appellant after taxation thereof."

E. R. CAMERON,

Registrar.

The company thereupon filed a new tariff to take effect on the 5th day of April, instant, that portion of it referring to the Britannia and Rockeliffe extensions being as follows:—

"Between the hours of 5.30 o'clock a.m. and 12 o'clock midnight:-

Between Holland avenue and McKellar, and intermediate points—Five cents for each passenger one way; three cents for each child under ten years of age one way.

Between McKellar and Britannia-on-the-Bay, and intermediate points— Live cents for each passenger one way; three cents for each child under ten years of age one way.

Between Cloverdale Road and the Rifle Range, and intermediate points—Five cents for each passenger one way; three cents for each child under ten years of age one way.

Between the hours of 12 o'clock midnight and 5.30 a.m. in each of the above zones:—

Ten cents."

This tariff was suspended until the matter could be argued, which was done on the 31st day of March last past by counsel representing the Ottawa Electric Railway Company, the city of Ottawa, the township of Nepean, and the township of Westboro.

The representatives of the public contended that subsection (5) of section 325 of the Railway Act, 1919, which became effective on the 6th day of July last and which was not considered by the Supreme Court in rendering their judgment, as the application was started before the passing of this Act, places this Board in a position to disregard the findings of the Supreme Court and, notwithstanding such decision, we would be justified in considering the system as a whole and not as of different parts as provided in the judgment, and some went so far as to say we would be compelled to do so.

Subsection (5) of section 325, which was a new subsection added in the revision of the Railway Act in 1919, is as follows:—

"(5) Notwithstanding the provisions of section three the powers given to the Board under this Act to fix, determine and enforce just and reasonable rates, and to change and alter rates as changing conditions or cost of transportation may from time to time require, shall not be limited or in any manner affected by the provisions of any Act of the Parliament of Canada, whether general in application or special and relating only to any specific railway or railways, and the Board shall not excuse any charge of unjust discrimination, whether practised against shippers, consignees, or localities, or of undue or unreasonable preference, on the ground that such discrimination or preference is justified or required by any agreement made or entered into by the company: Provided that this subsection shall remain in force only during the period of three years from and after the date of the passing of this Act."

The Supreme Court held that, under the law as it existed prior to the 6th day of July last, under the agreement and statutes, for the purpose of computing the tolls to be charged on the Britannia extension, the said extension should commence at Holland avenue. They also held that this Board had not the right to treat the company's operations as a whole and continue the existing tariff, and that the Board must permit the filing of a tariff on some basis covering the service on the Britannia line without reference to the larger part of the system covered by the Municipal agreement. The first question which must be considered is whether or not the amendment of the Railway Act hereinbefore referred to changes the law as to what the Board should do under the judgment hereinbefore referred to, or whether it simply gives the Board power to deal with existing rates within the City of Ottawa as covered by the agreement, disregarding the provisions thereof.

I take it that, should the company apply for an increase in rates within the limits of the City as covered by the agreement of 1894, this Board would now have the legal right to grant the same, and, if, in its judgment, a case had been made out, the right to grant a rate above 5 cents per passenger, and, in all probability, would have the same rights and powers on an application of the citizens for a reduction of the said rates, but I cannot see where the amending subsection does more than wipe out of existence municipal agreements or special statutes, if necessary to do so for the purpose of providing just and reasonable rates in the territories covered by such agreements or statutes. If I am right in this contention, then no change takes place regarding any portion of the system outside of that portion covered by agreement, and the directions of the Supreme Court still hold good that this Board should, in

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compliance with the law, make an order providing just and reasonable rates of the Ottawa Fleetric Railway Company on that portion of its line west of Holland avenue and east of Cloverdale road.

This raised the question of what would be a just and reasonable rate, first, from Holland avenue to Britannia, and, second, from Cloverdale road to the Rifle Range. The company have asked for two zones west of Holland avenue and one zone east of Cloverdale road. In my judgment, there should be but one zone west of Holland avenue and one zone east of Cloverdale road. No evidence has been given regarding the receipts, working expenses, profit, or loss of the Cloverdale Road section. No person appeared or protested against the tariff as filed, and, therefore, I take it that no further reference need be made to that portion of the system, but it should receive the same treatment as will be given the Britannia section as hereinafter stated.

Considerable evidence was given by the Company to show the result of operating the Britannia section. They stated that, for the months of March, April, May and June of 1919, an actual count had been kept of the fares paid from Britannia to Holland avenue coming east. It, of course, would be impossible under existing conditions to keep a record of the fares going west, because these passengers would board the cars in the City where the fares would be paid, but it is fair to assume that about the same number of passengers would go west as came east. The records show 19,671 passengers for these four months, and, taking this as a fair average for the year, which I think is reasonable, the total traffic one way would be 1,559,031 which has been estimated by the company to yield \$73,149.24. Included in this is a small number of passengers travelling from one station to another upon the Britannia line, but the amount received is so small that I am not considering it in the computation.

The company filed a statement showing that the actual cost per train mile on the whole system was 20.9 cents, and, as the number of car miles travelled on the Britannia section amounted to 780,079, therefore, the actual cost of operating that section for a year would be \$163,021.25. To this they added \$1,389.34 for County taxes and 5 per cent for depreciation on \$287,458, as the cost of the Britannia line less the right of way. They estimated an increase in working expenses for 1920 of 12 per cent, \$19,950.04, and they claim 7 per cent interest on a total investment of \$321,990, or \$22,539.32. This would show a total amount required to meet working expenses, pay taxes, depreciation, increased operating expenses, and interest on \$218,241, whoreas the revenue, according to the computation above referred to amounted to \$73,149. They contend that, as they only charged 5 cents per fare from any portion of the city to Britannia, which amount they had a legal right to charge according to their agreement for a fare within the City of Ottawa, that the whole of the 5 cents should be also shod in the city charge, and, therefore, they should be allowed to charge a tire which would produce the whole \$221,000, less about \$3,000 which was received by traffic on the Britannia line itself.

If I found it necessary to allow the Company to earn the full amount of \$218,000, the tavili would recessarily have to be allowed as filed, and, possibly, even then, there might be a slight decrease, because a sharp increase in the rate would inevitably produce a decrease in the traffic, but, as I view it, I do not think it necessary that such a large amount should be expended upon this portion of its line. According to the evidence, from six o'clock in the morning until midnight there is about a four and a half minute service as far west as McKellar, which is about two miles west of Halland avenue, and a fifteen n inute service from McKellar west to Britannia. While and doubt this would be necessary for a couple of hours in the morning and covering, and at certain times in the summer the traffic to Britannia may be such as to justify such a service, in my judgment a four and a half minute service between the lours of nine o'clock in the morning and five o'clock in the afternoon, with the

exception of one and a half hours at the noon hour, is not only unnecessary but a useless waste of energy and money. It is not my intention to direct the Company as to the service which they should furnish, but, in my judgment, a twenty minute service or even a half an hour service run upon schedule time from nine o'clock in the morning until five o'clock in the afternoon excepting an hour and a half at noon will more than take care of the business which is offering excepting in rush times during a few of the summer months, and, during the hour and a half at noon a fifteen minute service, or at the best a ten minute service should be quite sufficient to meet the requirements of the residents along that line.

I find from the statement filed that the total revenue car miles of the service in the year 1919 was 4,828,407 of which the Britannia extension used up 780,079 miles, or nearly one-sixth of the whole mileage of the whole Ottawa Electric Railway service. This statement alone would show the excess service given to that outlying portion of the system. If the number of miles is reduced, then it naturally follows that the operating expenses should come down practically in proportion because the whole statement is figured on the basis of 20.9 cents per car mile. No doubt there will be an increase in operating expenses during the coming year. This has been intimated by the company at 12 per cent, and they are asking for \$19,950 on the Britannia extension. If the service is reduced as suggested then there will be a corresponding reduction in the increase for operating expenses.

The company is claiming the right to earn 5 per cent depreciation on the cost of the line less the right of way, which, in my judgment, is excessive. It must be remembered that the Company takes care of depreciation by ordinary day to day maintenance. In fact this is the usual manner of railway accounting. Unless a railway is maintained day by day it ceases to be of value, and, in my opinion, the Britannia extension has been taken care of and kept up to a high degree of efficiency by day to day maintenance. It is probably in as good condition today as it was when constructed 20 years ago, all of which has been paid for in the general operating expenses of the Company before dividends are declared, and this is included in the 20.9 cents per mile as operating cost. Therefore, the greater portion, of the 5 per cent claim for depreciation should be disallowed.

I am not sure that, in a special case of this kind, the Company should be allowed to earn 7 per cent upon the total investment, although I admit that were this section considered entirely as a separate railway, 7 per cent would not be an unreasonable amount of profit upon the investment.

However, for all these reasons, I feel that the net operating deficit can be reduced very far below \$218,000, and, as before stated, I do not feel there should be two zones west of Holland avenue, and, therefore, I think the company should be allowed to charge 5 cents for each passenger from Holland avenue to Britannia-on-the-Bay each way and 5 cents from Cloverdale road to the Rifle Range, or to the end of the line, each way, children under ten years of age three cents each way, over both extensions.

At the hearing, the representatives of the public asked that, in case any increases were made, the same conditions should extend west of Holland avenue as now obtain in the city with reference to workmen's tickets and school children's tickets. This was opposed by counsel for the company, but I find on an examination of the tariff filed by the Company in 1918 that they proposed extending to school children the same concession in the Britannia section as has always been granted in the city, and I think it not unreasonable that the same conditions should prevail as to workmen's tickets, and also to school children's tickets with the modification hereinafter referred to, on the extensions as prevail on the rest of the system, and I, therefore, find that the fare to workmen from any point between Britannia and Holland avenue, from the first morning trip until 7.30 a.m. and between 5 p.m. and 6.30 p.m. shall be 33 tickets for \$1, or 8 tickets for 25 cents.

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It was a so asked that the same condition should exist as to school children. On the other faind, the Company contend that this privilege has been grossly abused here to force, but, as it may be has been a condition in the city of Ottawa, I do not feel like abreenting it on the extensions, and find that tickets shall be issued to school dildren under the age of fourteen years between the hours of 7 and 9.30 a.m., 11.30 and 1.30 pm., and 1.30 pm., and shall be placed upon a commutation basis of 40 tokets for \$1 good for our menth from the date of purchase, and that the same conditions as to northwen's find school children's tickets shall apply on the eastern extension between the vertilate road and the Ritle Range, the company to be at liberty, a fibur seven days from this date to file tariffs accordingly, to take effect on the 26th day of April instant.

APPLICATION OF THE VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY FOR AN ORDER TO AMEND THE REPORT OF A. B. POTTINGER, ESQ., MADE ON THE 31ST OCTOBER, 1915, IS THE MAITTER OF THE APPLICATION OF THE CITY OF VANCOUVER, B.C., FOR AN ORDER COMPELLING THE VANCOUVER, VICTORIA AND EASTERN RAILWAY AND NAVIGATION COMPANY TO PAY ITS PROPORTION OF THE COST OF CONSTRUCTION OF HASTINGS STREET VIADUCT AND OTHER COSTS INVOLVED IN CONNECTION WITH PROPOSED CONSTRUCTION OF VIADUCTS ON PENDER, KEEFER, AND HARRIS STREETS, VANCOUVER, B.C.

Judgment of Assistant Chief Commissioner McLean, dated April 20, 1920, concurred in by Chief Commissioner Carvell

The matter involved is one which covers a considerable period of time. The history need not be gone into in detail, only such points being referred to as are

apparently material for a proper understanding.

By the Boards Order No. 17840, of October 14, 1912, on the application of the city of Vancouver, authorization was granted to construct Hastings street, Pender street, Harris street, and Keefer street across the tracks of the Vancouver, Victoria The Bridge Radian and Norgation Company by means of overhead bridges. Provision was made for the payment of 20 per cent of the cost of actual construction work at each of the crossings on Pender and Keefer streets, not to exceed in each case the Table 1 Section, sold the principle of the Railway Grade Crossing Fund. The balance of the cost as to these two streets was to be divided, 25 per cent on the application, 75 per cent on the Vancouver, Victoria and Eastern Railway and Navigation Company. As to Harris street, 20 per cent of the cost, not exceeding \$5,000, The harmonic of the R. H. and Create Cressing Fund; 20 per cent of the remainder To be to be the beam displaced, "Open cent by the British Columbia Electric Railway t money, and the result by the Vancouver, Victoria and Eastern Railway and Navigation Company. In the case of Hastings street, 20 per cent was to be paid by the applicant, 20 per cent by the British Columbia Electric Railway Company, and do so many the V. V. and E. R. and N. Co. The cost of maintenance of these out to be a full little at a few per cent on the applicant and 50 per cent on the V.V. and I H. and N. son

Subsequently, under date of December 31, 1914, Order No. 23074 issued, rescinding tuning No. 10810 in such as the rest to the overhead crossings at Pender, Keefer, in the constant of the control of the

On November 9, 1914, judgment by the ex-Chief Commissioner was issued, making that 40 per cent of the cost of the Hastings street bridge should be on the municipality and 60 per cent on the railway.

the state of the law of the Vancouver on June 26, 1916, and after application of the day of Vancouver requiring the V.V. and E.R. and N. Co. to make a thorough of accounts outstanding in regard to Hastings street and Pender street

viaducts, an order issued directing the V.V. and E.R. and N. Co. to pay to the city of Vancouver the sum of \$50,000 on account of work done, the payment to be without prejudice to the position of the railway company.

While the application, as launched, refers to the Hastings street viaduct and Pender street viaduct, I understand from the context (I did not take part in the hearing) that the settlement of accounts referred to is tied up to the Hastings street

viaduct. The payment involved was made on August 31, 1916.

Under date of May 28, 1918, an application was made by the city of Vancouver for an Order to compel the V.V. and E.R. and N. Co. to pay its proportion of the cost of the construction of Hastings street viaduct, or any other costs involved in connection with the proposed other three viaducts on Pender, Keefer, and Harris streets under Order No. 17840, of October 14, 1912. This application was heard on June 6, 1918. Thereafter a very thorough and comprehensive judgment was issued by Mr. Commissioner Boyce on July 9, 1918, dealing with the material facts, and recommending that on account of the complicated details concerned Mr. A. B. Pottinger, District Registrar of the Vancouver District of the Supreme Court of the Province of British Columbia, should be appointed to make an inquiry into all matters of account in the complaint now before the Board. He was to have power to take the accounts between the parties and ascertain and report to the Board what amount, if any, is due to or by one or the other in respect of the work done, and payments made under the terms of the Board's orders providing for or affecting the provisions for construction of the works in question and on account of which the city of Vancouver has paid money, a portion of which it is contended the said railway company ought to pay.

Thereafter Order No. 27627, of August 17, 1918, issued. The order provides as

follows:---

# ORDER No. 27627

The Board of Railway Commissioners for Canada Saturday, the 17th day of August, A.D. 1918.

D'ARCY SCOTT, Asst. Chief Commissioner.

A. C. Boyce, K.C., Commissioner.

In the matter of the application of the corporation of the city of Vancouver, in the province of British Columbia, hereinafter called the "Applicant," for an order compelling the Vancouver, Victoria and Eastern Railway and Navigation Company to pay its proportion of the cost of the construction of the Hastings street viaduct, in the said city, and other costs involved in connection with the proposed construction of viaducts on Pender, Keefer and Harris streets.

File No. 27095

Upon hearing the matter at the sittings of the Board held in Vancouver, June 6, 1918, in the presence of counsel for the applicant and the railway company, and what was alleged, counsel for the applicant consenting and counsel for the railway company interposing no objection; in pursuance of the powers conferred upon the Board under section 60 of the Railway Act, and of all other powers possessed by it in that behalf,—

It is ordered: That A. B. Pottinger, Esquire, District Registrar of the Supreme Court of British Columbia, Vancouver Registry, be, and he is hereby, appointed to make an inquiry into and report upon the cost of construction of the Hastings street viaduct over the tracks of the Vancouver, Victoria and Eastern Railway and Navigation Company, in the city of Vancouver (omit-

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ting from such cost of construction the cost of pavements and sidewalks thereon); and in and by such report to set forth, under appropriate headings, the details of various items of such cost, and to whom and for what purpose all sums claimed to have been expended by the applicant were in fact paid, and to further report what expenditure the applicant made, and to whom, and for what purpose, in connection with the proposed construction of bridges over Pender, Keefer, and Harris streets, in the city of Vancouver; and to report to the Board, on or before October 13, 1918; any further questions, including the question of costs, to be reserved until after the report is made; the said A. B. Pottinger to have power to report especially, if requested so to do by either of the parties, on any questions of fact affecting the dispute before the Board.

# D'ARCY SCOTT,

Assistant Chief Commissioner,

A file memorandum by Mr. Commissioner Boyce, who settled the terms of the order, dealing with the contentions advanced by Mr. MacNeill for the Vancouver, Victoria and Eastern Railway and Navigation Company, in connection with the settlement of the terms of the Order, reads as follows:—

"Commissioner Boyce: On settlement of order herein, Mr. MacNeill contends—

"(a) That A. B. Pottinger, the referee, should, by the Order, be required to ascertain what the cost of construction of the Hastings street bridge would

be at a 5 per cent grade, instead of as constructed; and

"(b) That, as the Hastings street bridge was the only one constructed, the Order should be limited in its scope to the cost of construction of that bridge, and that there should be no inquiry as to the proposed construction of viaduets on Pender, Keefer, and Harris streets, the order as to these viaduets having been rescinded by order dated November 9, 1914.

"As to the first contention, I am of opinion that no such hypothetical question should be submitted. For the purposes of the dispute, the Board is not concerned with it. It is a question upon which this Board has already, in a previous application, ruled. (Vide Judgment of the Chief Commissioner, dated November 9, 1914). No useful purpose can now be served by clouding or enlarging the inquiry directed by irrelevant matter, and all reference to the

5 per cent grade will, therefore, be omitted.

"As to the second contention, it is urged that while the order, in so far as it affected construction over Pender, Keefer, and Harris streets, was reseinded expenditure was actually made by the city before rescission, which is properly attributable to that part of the original order. Whether or not the railway is liable for that or any expenditure in connection with the part of the works originally intended and provided for, but as to which the Order was rescinded, is a question that can best be dealt with in dealing with the whole case. It would be more convenient to have all the accounts examined and reported to the Board for final adjudication than to adjudicate in advance and climinate a part of them which the city proposes to argue should be included. Counsel have agreed that if the Board should come to this conclusion, the following clause should be inserted:—

'and to further report what expenditure the applicants made, and to whom, and for what purposes, in connection with the proposed construction of bridges over Pender, Keefer, and Harris streets, in the city of Vancouver.'

"This clause will be inserted in the order at point starred in draft, and draft Order 'A' initialled by me will be settled with above modifications, and can then issue forthwith. August 15, 1918.—A. C. B."

Mr. MacNeill's position in the matter, as set out in a communication on file of date July 25, 1918, filed by his Ottawa agent, used the following language in reference to the difference of opinion between himself and Mr. Jones, solicitor for the city of Vancouver:—

"1. In my draft order, I have inserted a clause directing Mr. Pottinger to ascertain what the cost of construction of a viaduct would be at a 5 per cent grade, instead of as constructed. This phase of the matter was before the Board some time ago, and by a judgment of the Chief Commissioner, dated November 9, 1914, he held that the railway company were not in the present case entitled to insist only on payment as if the approach were a 5 per cent one instead of a level, as constructed, and I assume that the Board will, as far as its jurisdiction goes, refuse to reduce the amount, if any payable, by such difference. As the questions involved in this matter will likely go to the Supreme Court of Canada, I wish to be in a position to have evidence in the record showing just what the difference would be in dollars and cents. I do not think that the Board can reasonably object to this evidence being taken, no matter what fate the contention may have before them.

"It would really be better in the long run for all persons to have the evidence taken now, for if the contention is right that a railway company is only responsible for construction in accordance with the statute, namely, a 5 per cent grade, the whole matter can be dealt with, without referring it back again. I wish, therefore, if possible, to have the clause I have drafted retained

in the order appointing Mr. Pottinger.

"2. The other question upon which Mr. Jones and I have disagreed is as follows: You will see by the caption of the draft order prepared in Ottawa that it purports to deal with the costs involved in connection with the proposed construction of viaducts on Pender, Keefer, and Harris streets. In my draft order I have struck out these words. The circumstances are as follows: The original order of the Board of Railway Commissioners, made on October 14, 1912, provided for the construction of bridges over Hastings, Pender, Keefer, and Harris streets, in the City of Vancouver. The city of Vancouver made one contract with a firm of contractors for the construction of all four bridges. The Hastings Street bridge is the only one ever constructed. By the order of the Board, dated November 9, 1914, the original order providing for the construction of bridges over Pender, Keefer, and Harris streets, was rescinded. No provision was made for expenditures in connection with such proposed construction. The contractors, feeling aggrieved by the action of the city in stopping work on the three bridges, took the matter before Mr. Justice Clement, and obtained damages and costs from him in the course of an arbitration. The city of Vancouver are seeking to make the Vancouver, Victoria & Eastern Ry. Co. pay a proportion of these damages and costs, as they would have to pay if the bridges had been in point of fact constructed. My objection to inserting any reference to the Pender, Keefer and Harris Street bridges in the order is based upon the following considerations:-

"(1) The question whether the railway company should pay any such proportion is purely one of law, and there is nothing involved in the matter if the railway company's contention is correct. It may be that whether the Board agree with the railway's contention or not, they may wish to have before

them a statement showing just what is involved in the matter.

"(2) The second position I take is this, that as a matter of law, the Board has no jurisdiction to direct a railway company to pay anything for proposed construction or for damages, but that their jurisdiction is confined to directing payments made for works that are for the protection of the

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public, and no work over having been done, there is no jurisdiction to direct any payment.

\*(E) The Order of the Board rescinding the Order for construction of the tures bridges having made no provision for payment of these damages, the Board

have no jurisdiction now to direct such a payment.

Company for four bridges on their own initiative. In November, 1914, when the matter was under discussion, the city applied to have their contract approved. This application was refused. If the city had gone on to do the work themselves, or had made independent contracts, they would have escaped any claim for damages. If the Board, however, come to the conclusion that they should have the facts before them, Mr. Jones and I have agreed that a clause to the following effect may be inserted in the order:—

'and to further report what expenditure the applicants made, and to whom, and for what purposes, in connection with the proposed construction of bridges over Pender, Keefer, and Harris streets, in the city of Vancouver.'"

Thereafter, under date of October 31, 1918, Mr. Pottinger submitted his report. I a matter was gone into very fully; detailed evidence was submitted, as well as a large number of exhibits.

Under date of December 23, 1918, Mr. MacNeill gave notice that he desired to be heard in respect of and to appeal from certain findings of the report, detailed

reference to which is made below.

The findings of the referee made reductions in various items, which are set out in detail in the report. In finding the cost of construction of the Hastings Street viaduct, the referee omitted from said cost the cost of construction of paving and sidewalk thereon; and there are also the other items of reductions which are set out in the report.

Patting in summery form the question as placed before the referee and the finding

as made by him, the result is as follows:-

	Presented a	at Allowed at
"Item 'A' of principal account contract with Union Contracting Company. Engineering. Construction work carried out by city. Compensation claims and costs Legal expenses, other than claims. Work done by Public Utilities Companies. By-law expenditure. Claim for interest against railway company	\$99,630 4 6,166 5 13,987 7 84,392 8 7,155 0 6,963 4 11,459 9 20,471 9	5 \$81,323 04 1 3,307 33 5 8,788 70 7 78,180 92 4 nil 8 6,032 89 4 nil 5 nil
	\$250,227 9	9 \$177,632 88"

Dealing now with the specific items contained in the appeal of Mr. MacNeill, the variations desired are as follows:—

(1) By adding to the amount of deductions from the cost of Hastings Street similation account of paying and sidewalk fixed by the said A. B. Politinger, \$15.803.10, the further sum of \$4,906.08, being the cost of 4,088.4 cubic yards of payement on the said viaduct and cost of laying wood blocks on same at \$1.20 per cubic yard.

The matter was discussed at some length in a hearing before the ex-Chief commissioner Drayton at Vancouver. It was developed in evidence before the referee, and I do not feel the report should be varied from.

(2) By further deducting from the item Legitimate Extras of Cost of Construction of said Viaduct the following items mentioned in details A (c) of the accounts rendered, namely:—

B.C. Pole Bosses		 \$ 34 65
Reinforcing steel for	vest approach	 180 50
Extras for difference	n slab	 500 00

The items under the above heading were all developed in evidence, and the referee had full and ample opportunity to be seized of the points involved.

(3) By striking out the whole of item "B" Compensation Claim and Damage Costs due to same allowed by the said A. B. Pottinger, \$78,160.92, or in the alternative, by striking out from the same item the following sums:—

Paid to Ramage for damages to Lot 1 in Block 9, D.L. 182......\$2,000 00 Paid to MacIntosh for damages to Lot 8, Block 63, D.L. 196..... 2,000 00 Paid to Aicheson for damages to Lot 9, Block 64, D.L. 196..... 800 00

The evidence disclosed that the matter of compensation was gone into fully before the referee.

(4) By deducting from the item "F" Work done by Public Utility Companies the following sum in addition to those deducted by the said A. B. Pottinger, namely, \$1,011.63, the amount charged by the British Columbia Electric Company for removing trolley wires from Hastings Street.

This item was developed at length in evidence before the referee. Item "F" is to be found in Exhibit 57. Reference to it will be found throughout the evidence.

(5) Application is made for fixing the amounts payable by the city of Vancouver, to the Vancouver, Victoria and Eastern Railway and Navigation Company for damages by reason of the construction of Hastings Street viaduct to lots 1 to 5, inclusive, in block 64, D.L. 182, and lots 15 and 16 in block 63, less the area of such lots as are used for railway purposes.

This matter was developed in various portions of the evidence.

The following language is excerpted from the report of the referee:—

"Mr. MacNeill also wished me to assess the damages to the lots and portions of lots on Hastings Street owned by the railway and which are not actually occupied by their right of way, the said damages having been occasioned by the construction of the viaduct. It is quite clear to me that damages should be allowed to the railway company in similar proportion to the amounts allowed to adjacent lots. I, however, ruled that the assessment of these damages did not come within the scope of the present inquiry, and it would appear to me that as the city has paid damages to the owners of all the surrounding lots, it would be a very simple matter for the city and railway company to agree on what damages should be allowed to the railway company in this regard."

This comment sufficiently takes care of the situation and indicated a means of settlement.

(6) For an order reducing the sum, if any, found to be the sum payable by the Vancouver, Victoria and Eastern Railway and Navigation Company to the city of Vancouver as the cost of construction of Hastings Street viaduct by the amount of difference between the tender of the Union Construction Company, namely, \$95,444, and the amount of the tender of Robert MacLean & Company, being the sum of \$13,644.

The matter was dealt with by the referee in his report in the following language:-

"In the first place, it was strongly urged by Mr. MacNeill that the so-called tender of the Robert MacLean & Co. to build the bridge on the Hennibeque system should have been accepted by the city and not the tender of the Union Construction Co., and he further urged that a considerable sum of money could have been saved by accepting this tender. I find, however, that the so-called tender of the Robert MacLean & Co., was not as a matter of fact a tender at all in regard to the plans and speifications that had been drawn up by the city, but was a proposition, without details, of an entirely different kind and it is doubtful if the changes required by the city had been made, whether anything would, as a matter of fact have been saved by accepting the proposition of Robert MacLean & Co. There was evidence to show that every facility had been given to Robert MacLean & Co. to put in a tender in accordance with the plans and specifications prepared by the city, but that they failed to do so and at the last minute put in their alternative proposition, which was in reality nothing but a sketch without details. Taking all the circumstances into consideration, I find that the city acted quite properly in this regard and I do not see how it could have done otherwise and in any event it appears doubtful to me whether this question properly comes before me at all, as from the order of the Railway Board I take it that I have to find what it actually cost the city of Vancouver to construct the Hastings Street viaduct."

(7) And for an order reducing the amount, if any, payable by the Vancouver, Victoria and Eastern Railway and Navigation Company to the city of Vancouver in respect of cost of construction of Hastings Street viaduet by the amount of the excess of expenditure made by the city of Vancouver over the expenditures necessary to afford reasonable protection to the public at the crossing of the tracks of the Vancouver, Victoria and Eastern Railway and Navigation Company at Hastings street.

This matter was dealt with in evidence. What is involved is the question of the grade on the approaches. In the decision of the ex-Chief Commissioner, already referred to, which was rendered on November 9, 1914, the question of the grade on the approaches was raised, it being contended, in substance, by Mr. MacNeill that the construction of a 5 per cent grade would reduce cost, and that to the extent that there was additional cost due to the approaches not being built on a 5 per cent grade, there was an unnecessary addition. The Chief Commissioner used the following language:—

"I find on both sides of the highway leading to the railway tracks a descending grade and that the construction of the viaduct with a 5 per cent grade, under the conditions applying, will result in the creation of new dips in the highway, and in part do away with the benefit of the improvement. It is quite clear that if the railway company had not built these tracks across the streets the highway would have been improved without such an unfortunate result. I am, therefore, of opinion that an order should, if necessary, be made directing that the extended grade, as constructed, should form part of the whole cost of which the railway company will contribute 60 per cent."

The matter was dealt with in the award in the following language: -

"Mr. MacNeill has urged that the viaduct should have been constructed at a 5 per cent grade both ways from the edges of the portion of the viaduct over the railway tracks. This seems to me clearly not to have been the intention of the House of Language and to my mind the plans approved house that the way not the intention, and although there is doubt but that a great saving would have been effected by so constructing the viaduct there is no evidence before me on which I could base any con-

clusion as to the amount of said saving and I do not think that this is a question of fact affecting the dispute before the Board so far as I am concerned.

"It was also urged by Mr. MacNeill that the cost of constructing the approaches to the viaduct was not part of the cost of constructing the viaduct. I am quite convinced that the cost of constructing the approaches is an

integral part of the cost of the construction of the viaduct.

"It was further urged by Mr. MacNeill that these approaches should have been built at a 5 per cent grade and that there should have been a considerable saving of expense by so building them. Again, however, I find that the plan of these approaches showing the grades had been approved by the Board and copies of said plans so approved are filed as exhibits in this inquiry, the first as exhibit No. 2, and the second as exhibit No. 64. Exhibit 64 is referred to in a telegram by the city engineer to the Board of Railway Commissioners dated October 10, 1918, and a reply to the city engineer dated October 11, 1918, and copies of said telegrams are filed as exhibit 63. I find that the grades so approved by the Board have, to all practical intents, been followed by the City in the construction of the viaduct and the approaches thereto, except in the case of the approach on Glen drive to the south of the viaduct and in that case at the time that the plan of the approach was approved it was intended to proceed with the construction of the Pender, Keefer and Harris street viaducts and the grade was arranged on that basis. When, however, it was decided not to proceed with the construction of these viaducts it became necessary to alter this grade and in doing so the city extended the fill to Cordova street. It appears to me, however, that had the fill been extended to the lane between Cordova and Hastings streets, it would have been sufficient for all practical purposes, and would have presented no engineering difficulty. I have, therefore, adopted the fill to the lane as the one that should have been adopted by the city and I have based my estimate on the cost on the assumption that said grade should have been adopted."

(8) For an Order disallowing any claims by the city of Vancouver against the Vancouver, Victoria and Eastern Railway and Navigation Company on account of cost of construction of the Hastings Street viaduct in the city of

Vancouver.

The following comment on this may be excerpted from the evidence at the hearing in 1919:—

"The CHIEF COMMISSIONER: That is a polite intimation to the Board to swallow itself entirely.

"Mr. MacNelll: Not exactly. They have gone ahead with this expensive work and let them pay for it."

So far as this phase of the application is concerned, the only comment that appears necessary is that the status of the matter is clearly set out in the judgments and orders and the justifiability of variation therefrom has not been established.

As pointed out in the comments above given, the matter of the items concerned was gone into very fully upon the spot by an official competent to take evidence. The points to which exception were taken by Mr. MacNeill were developed before Mr. Pottinger. He was fully seized of their significance; and I am not satisfied that after such thorough investigation and careful finding the Board would be justified in varying from the result.

Under Order No. 27627, it was open to raise the question of costs after the presentation of the award. The question has been raised by Mr. McCrossan for the city. I am of the opinion that aside from the costs necessarily incidental to the

reference, including the fee of Mr. Pottinger, which costs should be distributed in the proportion provided for as to the general cost of the work, the parties should bear

their respective costs.

The original order provided for contribution from the Railway Grade Crossing Fund but not in respect of Hastings street. This was because of the then existing statutory findtation as to not more than three crossings being aided. Section 262, subsection 2, provides that in the case of any one crossing there may be a grant from The Railway Grade Gressing Fund not exceeding 25 per cent of the cost of the actual construction work, and not exceeding \$15,000.

As the amount of \$15,000 limited by statute is much less than 25 per cent of the cont, it is much to the Board to provide for such payment and I, therefore, recommend that Order for payment of \$15,000 out of the Railway Grade Crossing Fund go accordingly. This to be done on submission of the necessary cost data on which such an under is prepared. If there should be any change in the existing legislation which would permit the Board to direct contribution to the work in question to an amount in excess of that at present limited by law, favourable action in this regard should, in my opinion, be taken.

Order No. 27627, as already referred to, provides for report as to the expenditures in commercian with Pender, Keefer, and Harris streets. The Award of the Referee

sets out the following in regard to this matter:-

"The details are set out in exhibit 75, and have been deducted from the general statement, my report so far being based on said general statement and

dealing only with the Hastings Street viaduct.

"Taking up exhibit 75, Mr. MacNeill urged in regard to the first item, Judge Clement's award \$13,776.04, that no evidence was given in the present enquiry (other than as expressed in the memorandum of Judge Clement explanatory to his award) showing how the amount was arrived at. I find that I cannot go behind the award of the Honourable Mr. Justice Clement and that his explanatory memorandum is quite sufficient for the purpose of this present enquiry. I, therefore, allow the item of \$13,776.04 as it stands.

"The next item law costs on said award, \$2,226, I disallow for reasons

already set out.

"The next item 'Engineering proper, \$\$24.83' I also disallow for reasons already set out.

"The last item 'Sundry legal expenses, \$925.10', I also disallow for

reasons already set out.

"The total deduction from statement exhibit 75 will therefore be \$3,975.93, deducting this amount from the total of \$19,079.96, I find that the expenditure that the city of Vancouver made in connection with the proposed construction of the bridges over Pender, Keefer and Hastings streets in the city of Vancouver to have been \$15,104.03."

The pollimeration of Mr. MacNeill in regard to the status of the expenditure in connection with Harris, Pender and Keefer streets has already been set out. If an amble to agree in his confernions. It seems to me that when a work has been out rather the Board and certain expenditures incurred in connection therewith and the direction to produce in whole or in part, this does not relieve the parties from contribution (where no question of jurisdiction as to the power of the Board is lively as to work undertaken in connection with the Order antecedent to the date that the first sent from a condition where actual physical work of construction has been but if the percentage contribution provided for in the original Order is within the power of the Board to make, and this aside from the matter as affecting the

British Columbia Electric Railway Company was not contested, it seems to me that it may properly be applied in regard to the expenditures incurred prior to the date of rescission.

As to Pender and Keefer streets, provision was made for a contribution of \$5,000 out of the Railway Grade Crossing Fund, the balance to be divided on the basis of 25 per cent by the municipality and 75 per cent by the Vancouver, Victoria and Eastern Railway and Navigation Company. As the payment of the money out of the Railway Grade Crossing Fund predicates "actual construction work in providing such protection, safety and convenience", and as there is no such completed actual construction providing protection, safety and convenience at the crossings in question, under the Order to which reference has been made the reference to the contribution from the Railway Grade Crossing Fund must in the result be looked at as mere surplusage, thus leaving the rule of the division of cost as between the parties on the basis of 25 per cent by the municipality and 75 per cent by the railway.

As to Harris street, a different situation arises. First of all, there is a provision as to the Railway Grade Crossing Fund which is to be dealt with in the way already indicated. Then, provision is made for 20 per cent of the remainder being borne by the municipality, 20 per cent by the British Columbia Electric Railway Company, and 60 per cent by the Vancouver, Victoria and Eastern Railway and Navigation Com-

pany.

I am of opinion that the same rule should apply here as in the case of Hastings street and that the railway percentage should remain at 60 per cent; the balance

being on the city.

In what is before the Board, it is not developed whether the total costs as referred to in connection with Harris, Keefer and Pender streets are segregated or whether they are applicable to the three proposed structures bulked together. Indication having been given as to the basis of distribution which properly applies, there should be no difficulty in the parties working out this division among themselves.

#### IN re TELEGRAPH TOLLS

Judgment of Assistant Chief Commissioner McLean, dated June 5, 1920, concurred in by Commissioner Goodeve

Rule 6 of the directions contained in the recent judgment in the above matter provided for the filing of schedules which would be subject to checking and scaling by the Board's Traffic Department. This checking and scaling has disclosed that while in a considerable number of cases the literal application of rule 3 of the directions works out satisfactorily, in other cases it puts rates out of line, interferes in some instances with rate adjustments which are in ease of message charges, and interferes with a reasonable scale progression as between rate groups.

As a result of this, the rates checked and scaled by the Board's Traffic Department take the place of those which a literal application of rule 6 has called for. At the same time, the rates which are concerned, excepting therefrom the increase of 25 per cent on the longer distances, are not, on the average, in excess of the increased

basis as provided for under rule 3.

# IN re LIVE STOCK CONTRACTS

# Bill of Lading-Live Stock-Revised and Adopted

A new form of the bill of lading for the transportation of live stock was revised

and approved by the Board, to take effect on July 1, 1920.

The facts are fully set out in the Judgment of Mr. Commissioner Rutherford, dated June 1, 1920, concurred in by the Chief Commissioner, Assistant Chief Commissioner and Mr. Commissioner Goodeve, C.R.C., Vol. 26, p. 101.

COMPLAINT OF THE CANADA, PARK AND CENTRAL BUSINESS COLLEGES, HAMILTON, ONTARIO,
AGAINST PROPOSED INCREASE BY THE HAMILTON RADIAL ELECTRIC AND THE BRANTFORD AND HAMILTON ELECTRIC RAILWAY COMPANIES IN FARES FOR STUDENTS ATTENDING BUSINESS COLLEGES IN HAMILTON, ONTARIO.

Judgment of Commissioner Boyce, dated July 3, 1920, concurred in by Chief Commissioner Carvell and Assistant Chief Commissioner McLean.

The complaint was originally from the Canada Business College of Hamilton, that the problem of the Perk and Central Business Colleges of Hamilton, that the individual of the Board's communitation relieves on the Hamilton Radial Electric Radway, and the Branciford and Hamilton Railway (subject to this Board's jurisdiction) the railways were improperly restricting the use of such tickets to students attending the public and high schools in the city of Hamilton, and, as a consequence, were discriminating against such students, resident in the suburbs or places on the railways outside of Hamilton, as were habitually attending business colleges and other institutions of learning, training or instruction in Hamilton. In other words, that the railways interpreted the term "student" in the issue of these tickets, only to those students of the class mentioned, excluding from their benefit, students generally. The Board is asked to exercise its jurisdiction to relieve against the alleged discrimination.

The railways concerned contend that they are not bound to extend the privileges of these tickets to any except students attending public and high schools; that the business colleges, being purely business enterprises and operated for private gain, do not come within the railways' interpretation of "schools" and their students are not, therefore, entitled to the benefit of the rates referred to. The Hamilton Radial, on September 26, 1919, filed their Supplement No. 1 to C. R. C. No. 7 (effective September 29, 1919) showing special reduced rates for public and high school students, as follows:

In either direction—		Miles	No. trips	Price	Limit
From	То	Miles			1
amilton	Burlington. Pine Cove Bronte Oakville	3.95 5.10 8.49 10.65 12.51 16.73 21.22 4.49 10.57	46 46 46 46 46 46 46 46 46	1·85 1·85 1·85 1·85 2·25 3·00 3·00 1·85 1·85	1 66 1 66 1 66 1 66

Variety.

School tickets are issued only on presentation of certificate from principal, stating that student is attending school, dure good only on Carsarriving at School District at 9 a.m. and returning on 4 p.m. and 5 p.m. cars. Not good on SATURDAYS, SUNDAYS, or PUBLIC HOLIDAYS.

Prior to this tariff being filed, the railways extended their students' rates to students generally, including students attending business colleges. The new tariff imposes a very substantial increase of rate over former rate enjoyed by students attending business colleges, and all other students except those classed in the tariff; all former to the college mail accurably classed varying from 11 to 360 per cent at the college mail account filed by Mr. Kerr on behalf of complainants at the

I am unable to find in anything urged at the hearing, by the railways, any 'until' tion for the distinction indexen "students" sought to be imposed by the tariff. Students are to be regarded as a class, and, as a class, they ought to be dealt with as regards rail fares. For the railway to say that privileges shall be extended

to certain members of that class and denied to all others falling within the definition

is, in my opinion, unfair treatment, amounting to unjust discrimination.

Any commutation students' rates ought to be made applicable to all students. There ought to be no more difficulty for the railways concerned to interpret the meaning of the word "student"-so as to apply the rates in a comprehensive manner than for the other railways who issue commutation rates to students.

I do not think that the supplement filed ought to be permitted to remain in force. It is unsatisfactory and discriminatory in its application and works injustice. The

complaints against it are, I think, well founded.

By section 345, subsection 2, of the Railway Act, the Board is empowered to require the railways subject to its jurisdiction, whenever it sees fit, to grant and issue commutation tickets at such rates and on such terms as the Board may order.

This is not a case where the Board is asked to create a new commutation area. Were it so, different considerations would govern the exercise of the statutory discretion vested in the Board by the section cited. The railways have established the system and area; they applied it first generally to all students, the students attending the business colleges of complainants participating in the privilege as members of that class. The railways then, by the Supplement complained of, sought to restrict that class, and continue the privilege of cheap rates to one section of it, and deny it to the others, and it is to remedy and equalize that condition of things that the Board's jurisdiction is appealed to.

By the Board's Order (No. 29512 of April 1, 1920) in the Commutation Rate Case, the tariff there settled by the Board for scholars (or students) commutation

passenger traffic was as follows:-

"(b) Forty trip tickets (scholars' tickets) good for thirty days on the basis of 41 mills per mile of travel, subject to a minimum charge per ride of

The commutation tariffs filed, pursuant to this order, restrict the age of the

scholar to eighteen years and under.

I think it would be a satisfactory adjustment of this complaint to direct the railways to substitute for the tariff now in force, a tariff of students (or scholars) commutation rates on the basis of the Board's order above quoted, and applicable, as in the case of the tariffs filed by railways pursuant to the Board's order, within the age limit, to all persons falling within the designation of students or scholars. These rates should be made effective September 1 next. Order will go accordingly.

APPLICATION OF THE EDMONTON, DUNVEGAN & BRITISH COLUMBIA RAILWAY COMPANY AND THE CENTRAL CANADA RAILWAY COMPANY FOR APPROVAL OF STANDARD FREIGHT AND PASSENGER TARIFFS INCREASING THEIR RATES.

Judgment of Assistant Chief Commissioner McLean, dated September 8, 1920, concurred in by Commissioners Goodeve and Rutherford.

Application was launched for a 50 per cent increase in freight rates and a corresponding increase in passenger rates. The rates of this railway are, for the reasons set out in "In re Edmonton, Dunvegan & British Columbia Railway Com-

pany, 22 Can. Ry. Cas., 1, permitted to be on the Mountain scale.

The application as launched asked, as has been pointed out, for a 50 per cent increase in standard passenger rates. The standard rate of the Mountain scale being 4 cents, this would give a rate of 6 cents per mile. In the course of the hearing, counsel for the railway companies substituted 5 cents as the maximum rate per mile for which the railways were asking.

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At the hearing, representation was made by counsel for the railways that a remeral application based on increased costs of operation was in course of preparation by the railways subject to the Board's jurisdiction. Representation was made at the fearing by Mr. Ford, counsel for the Board of Trade of Grand Prairie, that the matter it rate increase should stand over until the general application for rate increase was dealt with.

Sole-open; to the hearing, the Board received a telegram from the secretary of the United Farmers of Alberta strongly urging that the application should not be dealed to be the the general application of railway rate increases. When the application for non-rail rate in reases was launched, notification of the hearing was duly

given to Mr. Iller abotham, Secretary of the United Farmers of Alberta.

During to making, representations were made as to the condition of the service afforded on the applicant railways. It was strongly urged that the need for retention of the Mountain scale basis no longer existed. In addition to what was set out at the hearing, representations are on tile from various organizations taking this position. It was strongly arged that with the limited population at present located in the country served by the railways concerned, any increase of rates would be highly detrimental.

The burden of increased rates is one which should be imposed only when there is a thoroughly established justification therefor. At the same time, in the present application, as well as in the application launched by the railways for a general increase in rates, much material was submitted re-enforcing what is a matter of common knowledge, namely, that in the period which has elapsed since 1914 railway costs of operation have practically doubled, while rate increases have been very much as the register responsibilities imposed upon the Board by Parliament compel the conclusion that rates inadequately remunerative are not only detrimental to the railway concerned but in a wider and more important phase are detrimental to the public served by the railway, because if the rates do not adequately remunerate for the service the efficiency will tend to deteriorate, and there will be progressive difficulty in obtaining those adequate facilities which are essential if traffic is to move.

While the Board was considering the evidence submitted in the present application, the application of the railways subject to the Board's jurisdiction for a general increase in rates was launched; and the Board was impressed with the idea that the position was well taken that the decision in the present application was one which should be considered in connection with the decision in the general rate application.

The placing of the Edmonton, Dunvegan and British Columbia railway on the Mountain scale was, as indicated in the judgment already referred to, a temporary measure. Conditions have not, however, so changed as to warrant at present the applying of the Prairie scale instead of the Mountain scale. As already pointed out, the present application, in the first instance, asked for an increase of 50 per cent in passenger rates over the Mountain scale rate. Subsequently, this was reduced to an increase of 25 per cent. The increase in passenger rates as allowed in the decision of the Board which was just issued in the general rate investigation is 20 per cent, subject to a maximum rate of 4 cents; it being further provided that one half the increase shall disappear at the end of December, 1920, and the other half on July 1, 1920.

On considering the various factors involved, I am of the opinion that the applicant railways should be allowed to put in force the same rate increases as are authorized in the Board's Judgment in the matter of the application of the Railway Association of Canada, on behalf of the railway companies members thereof, and of all the same that the partial of the Board, for authority to make a general advance of thirty per cent in the tolls at present charged for the carriage of freight by the said companies, file 29996; and that the rate increases authorized in the judgment in the application above referred to.

Judgment of Assistant Chief Commissioner McLean, dated December 20, 1920, concurred in by Chief Commissioner Carvell and Commissioner Rutherford.

By the Board's judgment of September 8, 1920, provision was made that the same provisions as to the rate increases should be made in the case of the E. D. and B. C. and Central Canada Railways as in the case of the railways specifically dealt with under General Order No. 308. It is to be noted, as pointed out in the judgment, that the rates of the E. D. and B. C. Railway, although said railway is located in prairie territory and would, therefore, normally come under the prairie scale, were at the time of the hearing on the mountain scale. This had been allowed because of the conditions in which the company found itself. The Board's judgment of September 8, 1920, allowed the mountain scale, instituted as a temporary measure, to be continued, it being stated that conditions have not so changed as to warrant at present the applying of the prairie scale instead of the mountain scale. As under the mountain scale the maximum passenger rate is 4 cents per mile, and as under the provisions of Order 308 the increase in passenger rates was limited to a maximum of 4 cents per mile, it results that the increases which were allowed the E. D. and B. C. Railway, and this applies to the Central Canada as well, were limited to the increases in freight.

It should be emphasized, as already pointed out, that the increases in the rates allowed the E. D. and B. C. Railway are based on the mountain scale; that is to say, the railway is given the advantage of the rate increases which applies to the West generally, and further, this is based upon the rate scale of mountain territory which is higher than that of the prairie. There are then in fact included in the existing rate basis of the E. D. and B. C. an exceptional temporary increase due to the application of the mountain scale as well as the increase under the provisions of Order 308. Under General Order No. 308 the increases in freight rates provided for both East and West are subject on January 1, 1921, to a reduction of 5 per cent, thus the general rate applicable to the western territory would be reduced from the 35 per cent increase to a 30 per cent increase.

It is contended by the E. D. and B. C. that the special conditions of the railway warrant the continuance of the 35 per cent increase, in other words, in addition to the exceptional treatment allowed by the continuance of the mountain scale there should

be an exceptional treatment in respect of the 5 per cent decrease.

Figures have been submitted by the railway for September and October. These

are the latest figures which are before the Board.

The total expenditures on the E. D. and B. C., under the five headings: Maintenance of Way and Structures, Maintenance of Equipment, Traffic, Transportation and General, during the month of September, 1920, amounted to \$192,851.31, which represented a net increase of \$112,866.16 over the expenditures for the month of September, 1919. Since the increase in the item of maintenance of way and structures alone amounted to \$115,588.13, it will appear that this gross increase is the characteristic figure, and that taking into consideration the reduction in certain other items of expenses, in reality all of the net increase was due to the expenditure in maintenance of way and structures.

For the month of October, 1920, the total expenditures, under the same headings, amounted to \$240,293.22, as against \$85,087.31, showing a net increase of \$155,105.91. The increase on maintenance of way and structures amounted to \$141,169.59. It will again appear that maintenance of way and structures is the characteristic item.

Comparing the maintenance of way and structures in the period covered by the reports with the figures available antecedent thereto, it is to be noted that the figures for maintenance of way and structures in September, 1919, amounted to \$20,329.78, and in October, 1919, to \$18,362.44, or an average of \$19,576 per month. On the other hand, the expenditures on maintenance of way and structures for September and October, 1920, averaged \$147,974 per month. Those comparisons are not entirely

characteristic, because if the figures for the period of January to August, 1920, a period annual least to the rate increase, are taken, it will be found that the average mentals alones for maintenance of way and structures were \$48,315. If the total of the sens indice within the five items already set out is taken, it will be found that the sens a falling within the five items already set out is taken, it will be found that the sens a greater per month in the period from January to August, 1920, and \$1,77,750 as a cainst at a crage of \$221,572 per month in the period of September to October, inclusive, 1920.

Notwithstanding the consideration above given to figures which may be considered more characteristic, it is none the less apparent that there has been a large increase in expenditures, and that this is primarily due to expenditure on maintenance

of way and structures.

On the Central Canada, September, 1920, expenditures exceeded those for the same month of 1919 by \$11,181. Of this, \$9,611 was attributable to maintenance of way and structures. For October, 1920, a somewhat different situation presents itself. The excess over October, 1919, was \$10,697. Of this \$3,528 was due to maintenance of way and structures, while \$5,504 was due to general expense. For the months September to October inclusive, 1919, the average monthly expenditure was \$17,711; while the average monthly expenditure for the period January to August, 1920, was \$10,248. The comparative monthly figures for the same periods in respect of maintenance of way and structures are \$8,141 and \$4,346 respectively.

The transportation earnings for September, 1920, were \$3,246, as compared with \$3,845 for the same month in 1919. The figures for total operating revenues were, however, \$149 and \$3,317 respectively. The difference is in a great degree due to the fact that in September, 1920, hire of equipment gave a debit item of \$3,215, as against a debit item of \$574 in September, 1919. For October, 1920, the total transportation revenue stands at \$3,805 as compared with \$3,295 for October, 1919. The respective total operating revenues are for the months in question \$1,227 and \$3,927. This difference is primarily due to the fact that in October, 1920, hire of equipment is a debit item of \$2,660, while in October, 1919, it is a credit item of \$425.

In the case of the E.D. and B.C. the total transportation revenues for the month of September, 1920, and the month of September, 1919, are respectively \$53,823 and \$96,588. For the same months the total operating revenues are respectively \$56,270 and \$94.523. It is to be noted that in September, 1920, hire of equipment was a debit item of \$29,021, while in September, 1919, it was a debit item of \$3,261. For October, 1920 and 1919, the respective figures of total transportation revenue are \$91,544 and \$114,305. For the same months the respective figures of total operating revenues are \$77,130 and \$108,010. In October, 1920, hire of equipment was a debit item of \$15,554, as against \$8,406 in October, 1919.

At the hearing it was not only contended by the respondents but also admitted by the railway, that the roadbed was in poor condition. It would appear that in the endeavour to afford facilities to the territory served by the railway the road was opened up before it was in proper shape for operation, and since its opening there have been continuous troubles as to ballasting, ties, etc. In the presentation of the case at Edmonton, Mr. Phippen, on behalf of the railway, stated that about \$507 per mile had been spent on maintenance of way and structures during the preceding year, and that a sum of from \$1,000 to \$1,400 per mile should properly have been spent on this item. Mr. Smith, the general manager of the railway, said: "The line is in a run down physical condition, so that it is impossible to continue the operation of trains over it without money, because of the lack of maintenance and lack of money to do it." In answer to a question—"Was there ever any stage at which you could say you had an efficient road?" Mr. Smith,—Ans.: "No, the line is still very young." At p. 3694 he said: "A large portion of our line has not been

drained. It is the run down condition of the line. Had we been in a position to give it proper upkeep and not defer our maintenance." It was admitted throughout the discussion and in argument that the road was not in efficient shape. It was admitted by the manager that much in the way of deferred maintenance was to be done. If the company's figures of \$1,200 per mile is taken as the measure of what should be spent on maintenance of way and structures, the expenditures in 1919 fell short of this by 60 per cent. From the evidence it appears that work which should properly have been done before the road was opened, e.g., ballasting and drainage, was not done, this, it is stated, was due to the poor financial condition of the company. This may be accepted, none the less it points to the fact that work which should have been a capital charge was not looked after.

All this material was before the Board when it gave judgment. It had before it the statement of the counsel for the railway in his opening when he said at p. 3668:—

". . . The companies did the best they could. They did not take care as fully as they should, under normal conditions, of their maintenance. The result is that to-day, according to the report—and I do not think that we will conceal or minimize anything with respect to the condition of these lines—the lines are in a most deplorable condition physically. They need to be renewed practically speaking. They have reached the stage where unless they have almost immediate help it will be impossible to operate them with safety; and it will require, according to the estimates of engineers, at least two million dollars to put these lines in a safe operating condition."

The Board was informed at the hearing that a vote of \$1,000,000 had been made

by the province of Alberta to aid in putting these lines into shape.

With a frank confession before it as to the condition of the lines concerned, the Board prescribed the same rate treatment for the E.D. and B.C. and the Central Canada as is provided for under General Order 308. The increase in expenditure under the present management by the Canadian Pacific is almost exclusively for maintenance of way and structures. This was what was to be expected on the evidence before the Board at the time judgment was rendered.

The history which has been given points to the conclusion that what is involved in connection with the maintenance of way and structures is, in some cases, a result of an accumulation of deferred maintenance. Counsel for the railway stated that what was involved was practically renewal. From the evidence it appears also that in various instances there is involved the doing of what was not done in the first

instance.

On consideration I am of the opinion that the Board would not be justified, on what is before it, in continuing the additional 5 per cent on freight rates, as asked for.

APPLICATION OF THE SASKATCHEWAN STOCK GROWERS' ASSOCIATION OF MOOSE JAW, SASKATCHEWAN, FOR THE RE-INSTALLATION OF THE TRANSFER TRACK AT CONQUEST, SASK., BETWEEN THE LINES OF THE CANADIAN PACIFIC RAILWAY COMPANY AND THE CANADIAN NATIONAL RAILWAYS AT THAT POINT.

Judgment of Commissioner Rutherford, dated September 17, 1920, concurred in by Assistant Chief Commissioner McLean, and Commissioner Goodeve.

By order of the Board No. 18682 of date February 14, 1913, the Canadian Northern Railway and the Canadian Pacific Railway Company were directed to instal a transfer track between their respective lines at Conquest, Saskatchewan.

Under date of December 21, 1917, upon a transfer track at Rosetown, Sask., being completed, the Canadian Pacific Railway Company was, under order of the Board No. 26853, authorized to remove this transfer track at Conquest.

The present application from the Saskatchewan Stock Growers' Association, first filed with the Fourd on August 17, 1918, is for the reinstallation of the transfer track at Conquest, and the case has been heard at Saskatoon, on February 28, 1919, at Regina on March 1, 1919, and at Moose Jaw, on June 12, 1920.

From the evidence given at the various hearings and especially that held at Moss Just on June 12 last, as also from the special report furnished by Inspector Smanisk under date of August 10, it is apparent that there is a very considerable are now suggest to the disadvantage of a serious back-haul and that this condition would be attack, if not allogather relieved by the reinstallation of the transfer track

at Conquest.

The situation will undoubtedly be greatly improved by the construction, now in progress. In the Empress-Milden Line and the Rosetown-Southeasterly Branch of the Consultan Pacific Railway Company, but a considerable remaining area served only by the Consultan National Lines, now completed or under construction, will not obtain like pullif until after these are linked up with the Grand Trunk Pacific Regina and Riverhurst Subdivision. As this cannot be done without the construction of a bridge over the South Saskatchewan River, an undertaking which, though at present under consideration, will not in all probability, be completed for a number of years, it would appear advisable to re-instal, at least temporarily, this transfer track at Conquest.

The question was not one of outstanding importance until the opening, early in 1920, of the Comporative Stockwards at Moose Jaw provided a profitable market for the very considerable numbers of stock produced in this area, and for which Winni-

peg was until then, the only available outlet.

With the opening of these stockyards, a condition has arisen which can apparently only be relieved by providing transfer facilities at Conquest. The rate from the area new adversely affected to Moose Jaw, via Conquest, will be appreciably see than that via Ross town, which is practically the same as the present through rate to Winnipeg, while needless to say, the live stock traffic is one in which length of haul is an important factor, and in regard to which anything in the nature of a back-haul is especially undesirable.

The Board's Inspector reports that in the area at present subject to the back-haul, there are approximately 27,000 head of eattle, including 7,000 head on the Matador and Graicks ands; ranches, but that upon the completion of the Empress-Milden and Rosetown Southeasterly Branches of the Canadian Pacific Railway, now under construction, the number of these which would still have to depend on the Canadian National Railways for shipment would not be more than 10,000 head. Presuming that 20 per cent of these are shipped out annually, this would mean a movement of about 100 cars.

The Inspector further states that during the year 1919, of 2,453 cars carrying settlers' offers, and grain and merchandise, delivered by the Canadian National Railways to the Canadian Pacific Railway at Rosetown, 124 would have been properly routed via Computer, while, of the 402 cars transferred from the Canadian Pacific Railways at Rosetown, 272 would have been routed via Conquest had transfer facilities been available at that point.

This could not be called a heavy movement, and in view of this and the other

agree to the reinstallation of the transfer is readily understandable.

On the other hand, the new Canadian Pacific Railway lines are not yet in operation, while the estimated cost of the transfer track, without an interlocker, would, as stated by Mr. Temple at the Moore Jaw hearing, be under \$4,000. If the plant were interlocked, the installation would cost somewhat over \$10,000, while the cost of operation would also be augmented. In view of the difference in cost

of installation and operation, the comparatively light transfer traffic and the possibility of the transfer track later proving unnecessary owing to the further railway development already referred to, the installation of an interlocking plant

may not be necessary.

The production of live stock in Saskatchewan and especially in this and other areas lacking adequate railway facilities, has long been seriously retarded by the lack of convenient markets in that province, and bearing in mind the importance of the industry from a national economic standpoint, it would appear to be in the public interest that obstacles to its further development should, wherever possible, be removed.

In view of these facts, I am of the opinion that the transfer track at Conquest should be re-installed at once, the work to be completed not later than November 1 of this year, on the understanding that in the event of the situation being later relieved by the linking up of the Canadian National Railway Lines with the Grand Trunk Pacific Regina and Riverhurst subdivision, the matter may be again brought before the Board.

# PROVINCE ELEVATOR CO. V. CANADIAN NATIONAL RYS.

Facilities—Additional and Necessary—Traffic—Tracks—Extension—Grain Elevator.

Additional and necessary facilities for handling traffic at a grain elevator by the laying of additional tracks in extension of an existing siding may be ordered by the Board to be furnished by the railway company concerned, at its expense, where the present facilities are inadequate.

The facts are fully set out in the judgment of Mr. Commissioner Boyce, dated October 15, 1920, concurred in by the Chief Commissioner and Commissioner Ruther-

ford.

RE COMPLAINT OF THE R. LAIDLAW LUMBER COMPANY LIMITED, TORONTO, ONTARIO, AGAINST THE CANADIAN PACIFIC RAILWAY COMPANY, TREATING THE TORONTO POWER COMPANY'S SIDING, FROM WHICH THE COMPLAINANTS TAKE DELIVERY OF LUMBER CONSIGNED TO ITS SPADINA YARD, AS A TEAM TRACK AND CHARGING INTERSWITCHING TOLL ON TRAFFIC EX CONNECTING LINES.

Judgment of Commissioner Boyce, dated October 21, 1920, concurred in by Assistant Chief Commissioner McLean, and Commissioner Rutherford:

From the evidence given at the hearing it appears that the Laidlaw Lumber Company, on establishing its Spadina yard at North Toronto, in 1911, made application to the Canadian Pacific Railway Company for a siding, but owing to the fact that the Canadian Pacific Railway Company's viaduct was contemplated at that time, the matter was deferred, and the lumber company made arrangements with the Toronto Power Company for the use of their siding.

The subsequent construction of the viaduct apparently made it impossible for the lumber company to obtain a private siding, and under the original verbal agreement they are still using the siding of the Toronto Power Company, which owns the land and the rails, paying the Toronto Power Company at the rate of \$1 per car for

such use.

The railway company, which is not a party to this agreement, is exacting from the Laidlaw Lumber Company a team-track interswitching toll of two cents (2c.) per 100 pounds on cars handled on the private siding of the Toronto Power Company.

The lumber company contends that the railway company has no right to make this charge at team track rates, the siding being a private one, owned by and maintained at the expense of the Toronto Power Company.

The Turnette Power Company some years ago gave instructions to the railway company's around a North Toronto to place cars on the siding in question for the partles desiring to have there so placed, and it appears that, at least in the Laidlaw Lumber Company's case, the Toronto Power Company is collecting one dollar (\$1)

per car for this privilege.

Mr. Photoft produced a list of some thirty different consignees who use this siding. The total number of ears placed on the siding for purposes other than those of the Toronte Power Company since January 1 of this year was 196. He (Mr. Flintiath claims that if "lessees or owners" of sidings could allow the indescriminate use of it s by third parties, without any agreement by the railway company, the whole pur: so of the Interswitching Order would be defeated; that the general use of this track, as shown, practically made it a team track and that it was no longer, in the proper souse of the words a "private siding," at least in so far as outside parties are concerned. He admitted that the company would lose the protection of their siding greens I which so ared to them, as far as practicable, the routing of all foreign business. In the company's agreement as to private sidings, they have the underscanding of the losse that he will, as far as possible, route business via the contracting company's lines; so far as traffic adotted to their team tracks is concerned, they have the control of that themselves.

The lass in this case would apparently not be serious as Mr. Flintoft further admitted tuar the Canadian Pucific Railway Company has no contract, and no siding agreement with the Toronto Power Company, but he argued that it was all the more

s to an ired targutse of this fact; he had used the words "owners or lessees."

Mr Dawn, for the complainants, quoted the Interswitching Order which defines a more track as a track eword by the railway company, this explaining the extra one cent charge, because such track is owned and kept up by the railway company, while a private siding is owned by the lessee.

Clause 9 of the private siding agreement of the Canadian Pacific Railway Com-

pany reads as follows:-

"That the rights and privileges of the party of the second part under this agreement shall not be transferred or sublet, either in whole or in part, except with written consent of the railway company; provided that the railway company shall not withhold its consent to such transfer without good and sufficient reason, and the party of the second part shall have the right, should the railway company withhold its consent to such transfer, to appeal to the Board."

In this case, lowever, the situation is complicated by the fact, as brought out at the hearing, that the railway company has no contract or agreement with the Toronto Power Company with regard to the siding in question, and it would, therefore, appear

that this clause has no bearing on the matter.

The position taken by the railway company is somewhat peculiar, inasmuch as on the one hand it claims that the siding is a private one and that therefore the "owner or lessee" has no right to sublet his privileges without the agreement is in existence, on the other hand they are now treating the siding as a public team track

The ouestion, therefore, is whether the deliveries made by the railway company to the complainants should be construed to be deliveries upon a team track or upon

a private siding.

The circumstances, in my opinion, do not permit of the conclusion we are asked by the railway company to make, viz., that a private siding may, under one set of dreumstances, relain its rights and privileges as such to service by the railway, and in another set of circumstances, may lose them, and may become, as to tolls, etc., only a team track.

The team tracks of a railway are part of its terminal facilities to provide for its own traffic, and because the railway is entitled to receive a fair return for the upkeep of its terminals and the use of its property, it is allowed by the Interswitching Order to charge two cents per 100 pounds on freight there delivered, because use is made of that part of the terminal facilities. In the case of deliveries made upon private sidings, the terminal facilities referred to are not used, and, therefore, if we were to regard the spirit of the relative rates, the railway should not be entitled to make a charge as for use of terminal facilities, where none are used. To adopt the railway's argument would mean that private sidings, i.e., sidings built on private lands, and at the expense of the owner—as in this case—may, in certain events, be made use of by the railways as terminal facilities, and the service thereupon, or thereto, charged for accordingly, which, in my view is contrary to the spirit if not the letter, of interswitching principles. The private siding is thereby made to contribute to the upkeep of the railway's terminals, which involves conditions entirely unsupportable.

The Interswitching Case—24 C.R.C., p. 324, decides inter alia:—

"Distinction should be made between team tracks and private or industrial spurs as to terms or interswitching, the service to team tracks being subject to the consideration (a) that the first duty to the carrier owning the terminal facilities is to provide for its own traffic, and (b) that the carrier owning the terminal is entitled to fair remuneration for the use of its property. Interswitching tolls in the case of team tracks should be higher than for private or industrial spurs, and should be absorbed by the line carrier, as in the case of private spurs."

In his judgment in the case just referred to, the then Chief Commissioner said, at p. 333:—

"In my view, therefore, sidings used by the railway for spotting cars thereon to be loaded or unloaded by any industries abutting on such sidings directly from or to such abutting property ought, for the purpose of this judgment, to be considered as private sidings, irrespective of the fact that the track is built on railway lands. It is not, of course, intended by this judgment to change the legal status of such sidings, but merely to provide that they are entitled to interswitching on the same basis as private sidings."

It is to be borne in mind that, in this instance, the Toronto Power Company owns the land and rails of the siding in question, so no question can arise on that score. The service was to a siding off the railway's property—privately owned—distinct from the terminal facilities of the railway, and, in every other respect, a private siding.

Further, at p. 333 of the judgment referred to, the Chief Commissioner of that

day says:-

"On the question of the absorption of a portion of this rate (2 cents per 100 pounds delivery on team tracks) the issue is somewhat different. In the case of private sidings already discussed the consignee is held down to delivery at that point. While he has an advantage in getting such delivery, it is an advantage, speaking generally, for which he has paid, and taking delivery, as he does, on his own siding he is relieving the railway terminals of the burden of looking after his business."

It would, therefore, seem that the rates of one cent or two cents for interswitching service to private siding or team track respectively, attach as a result of the service to the one or the other, and are not dependent upon the conditions of such service, nor in the case of private sidings, upon those rights of owner, inter partes, and

railways, and their assigns, respectively, incident to such private sidings, which the railway company asks the Board in this case to consider and determine as a basis

of decision of the dispute involved.

Without reference to the rights of the parties, respectively, as to the user of the siding in question, and which are beside the direct question involved, I am of opinion that, as to all cars consigned to complainants, placed by the railway company on the private siding in question, and the provisions of General Order No. 252, clause 5. apply, and that the circumstances submitted do not justify the railway company in charging more for that service than is permitted by that Order for service to private sidings. Any charges in excess of those authorized, paid to the railway by the complainants, the railway company will be permitted to refund—and order will go accordingly.

APPLICATION OF THE CORPORATION OF THE PARISH OF LA PRESENTATION DE LA STE. VIERGE, PER MESSRS. FATENAUDE, MONETTE & MICHAUD, MONTREAL, P.Q., FOR A REVISION OF A PORTION OF BOARD'S ORDER NO. 27616, DATED 22ND AUGUST, 1918, IN THE MATTER OF COST OF ERECTION AND MAINTENANCE OF GATES INSTALLED AT LEVEL CROSSING OF THE COTE DE LIESSE ROAD OVER THE TRACKS OF THE GRAND TRUNK RAILWAY AND CANADIAN PACIFIC RAILWAY LINES AT DORVAL, P.Q.

Judgment of Commissioner A. C. Boyce, dated November 2, 1920, concurred in by Chief Commissioner Carvell.

The case was set down for the consideration of the following points:-

(1) The question of the apportionment of the cost of protection (by watchmen) reserved for determination by Order No. 25558, dated October 20, 1916.

(2) The question of liability, or apportionment of liability, for any accidents

occurring at the said crossing, and all other questions incident thereto.

At the same time, and pursuant to formal application, dated February 19, 1920, following a provious mutification, under date December 4, 1919, to the same effect, the parish of La Presentation de la Ste. Vierge asked for a revision of that portion of the Board's Order No. 27646, dated August 22, 1918, ordering that that municipality should contribute 15 per cent of the balance of the cost (after deducting the contribution from the Railway Grade Crossing Fund) of the construction, and a like percentage for maintenance of gates for pretection of the crossing, upon the following grounds:—

(a) The facts, and the layout of the location, were not sufficiently explained to the Board when the matter was heard;

(b) The level crossing in question is not located within the territory of the municipality de la Presentation;

(c) The taxpayers of this municipality should not be called upon, moreover, to contribute to the cost of erection and maintenance of these gates because they may be interested in the highway or may make use of the same in any way, since such use and such interest is nil:

(d) Even admitting that the municipality de la Presentation may be interested in this level crossing, the division of the cost of erection and maintenance was in no wis assessed in proportion to the population, the number of taxpayers and the wealth of the respective municipalities concerned.

As the last named application materially affects the decision of the former question, I will refer to the position of the parish de la Presentation as regards this

crossing.

The original Order, No. 25558 of October 20, 1916, was not made as a result of a hearing, but exparte, and as interim protection, following an accident September 27, 1916, pending the consideration by the Board, as to what protection would be most

suitable, after hearing the parties interested. Up to this time—Order No. 25558 the parish of de la Presentation had not been before the Board, nor notified of the proceedings then pending before it, and it was only on October 5, 1916, that Mr. De Cary, counsel for the town of Dorval, asked the Board to have the Parish notified of the proceedings and made a party, as the owner of half of the Cote de Liesse Road extending north to the Canadian Pacific Railway tracks; and on October 5, 1916, Mr. de Cary was requested to serve notice of his application for subway upon the Parish, and under date October 25, 1916, he advised the Board that he had notified the Parish of the pending application. The Order, No. 25558, of October 20, 1916, does not appear to have been served upon the Parish, which, however, was notified on February 1, 1917, (the first official notification from the Board) of a sittings of the Board to be held in Montreal, on February 14, 1917, for "consideration of the matter of protection at the level crossing of the Grand Trunk and Canadian Pacific Railway Companies, known as 'Cote de Liesse Road', at Dorval, Que." but did not appear on the hearing of the application which was directed to stand until the next sittings of the Board at Montreal to enable the town (Dorval) to prepare proper plans of subway and to submit same to the parties interested. The secretary of the parish (de la Presentation) was notified by the Board of the above adjournment on February 15, 1917. An amendment to Order No. 25558 becoming necessary to correct a clerical error, Order No. 25907 was made February 27, 1917, and a copy of that Order was sent, in the usual way, to the Secretary of the Parish by the Board, on March 1, 1917, and on April 4 following the Parish, with the other parties interested, was notified by the Board of hearing at Montreal on April 18, 1917, but did not appear, and the hearing, at request of counsel for the town of Dorval, was again adjourned until the next sittings at Montreal. At the Montreal sittings on June 20, 1917, of which the parish, with the other parties, was notified, the parish did not appear, and counsel for the town of Dorval again procured a postponement for completion of plans for subway, which were submitted on September 6, 1917. Copies of this plan having been served upon the railways, it was returned as unsatisfactory as to detail, and after some correspondence the matter was set down for hearing at Montreal on June 10, 1918, the Parish being notified, and again failing to appear at the hearing which was again adjourned, new plans to be filed in the interim, and the Parish again directed to be notified. The case was again set down for hearing at Ottawa on July 9, 1918, and all parties, including the parish, were notified, and after a hearing at which all the parties were represented—the Parish for the first time—an Order was made No. 27616, directing protection by gates to be erected by the Canadian Pacific Railway, to be operated day and night by watchmen from a central tower, cost of construction to be apportioned as follows, viz:, 20 per cent out of the Railway Grade Crossing Fund; of the balance, town of Dorval, 35 per cent; parish de la Presentation, 15 per cent; Canadian Pacific Railway Company, 50 per cent; cost of maintenance to be borne-by the Canadian Pacific Railway, 50 per cent; town of Dorval, 35 per cent; parish de la Presentation, 15 per cent.

No provision was made by the order for the cost of operating, which should have been, and was intended to be, apportioned in the same way as maintenance, and that

omission can now be provided for.

At the hearing at which the above disposition was made counsel for the parish de la Presentation made no claim to exemption in toto from contribution of cost of protection on any of the grounds which it now presses on the Board in this application, but contended that the contribution of the parish should be not more than ten per centum, because of the relative financial situation of the parish to that of the town of Dorval. Mr. De Carie said—Vol. 286, p. 2843—"I think the Parish should pay 20 per cent." "Mr. Jasmin: No, 10 per cent." There was no contention then that the parish was not liable to contribution, and while that contention appears in the subsequent application of the parish, now under consideration, there was nothing

at the learing of tals application presented to the Board by counsel for the parish, to support it. On the contrary, while contending that the proportion of cost directed to be paid by the parish was out of proportion to its means and to the extent of its interest, relatively to these of the town of Dorval, Mr. Patenaude, K.C., who, at the last hearing, represented the parish said (Vol. 323, p. 1380):—

"We want to pay our proportion, but not more." And the admissions at p. 1371 - " may the parish had jurisdiction over the highway"—and (p. 1377) " Caradlan Pathie Rallway right of way was built on the Liesse road belonging to the parish."

Mr. Parenamic argued, as was argued at the hearing in 1918, when the apportioncent complained of was made, that the parish's interest in and user of the road was much less than that of the town of Dorval; that only a small point of the parish towner, thurd of the crossing; and Mr. Patenaude put in a statement showing the relative mamber of ratepayers, taxable property, and revenue of the Parish and Town of Dorval, respectively, to support his contention that the apportionment of the parish should be reduced, viz:—

Dorval		arish de resentation
Population		225
Number of ratepayers	100	47
Taxable property		\$296,000 00
Revenue	242,000	280 00
Payments		220 00
Cash balance, December 31, 1917	24,737	220 00

Thus it appears that the restopaying population of Dorval is about seventeen times, the amount of taxable property ten times, and the revenue about one hundred times greater than those, respectively, of the parish.

It also was shown that the cost of maintenance of the gates, estimated at \$4,000 per annum, would involve the parish in an annual expenditure, at the rate of 15 per cent the percentage fixed by the order—of \$600; or more than double its normal entire annual revenue stated as above—while that of Dorval—\$1,400—would be but an infinitesimal fraction of its annual revenue.

The revenues of the parish, in relation to its taxable values, are however, most unusually small, and no great hardship would be imposed on the rate payers by at least some additional taxation for the protection of its people using this highway. At the same time, and while the fact that the respective revenues of the two municipalities differ so widely in volume, is not the governing factor in the determination of a just proportion of protection, maintenance and operation costs, it is a proper subject for consideration as regards the quantum of user of each municipality in relation to the other. The interest of the municipality with a ratepaying population of 47, rateable property of \$296,000, and a revenue of \$280 per annum, in the user and consequent protection of a rural crossing such as this is numbershy not so great us that of a municipality with a ratepaying population of 35., namable property of \$2,753,000 and revenue of \$242,000. The parish de la Procentation less a very small, comparatively a scintilla of, interest as compared with the of the town of Dorval, when comparison is made on the above basis, and in the are of the former municipality, its territory barely touches the crossing in question. for these reasons I think that moderate consideration should be given to the plea of the purish practically in forma purperis, that the proportion of cost and mainfrom a imposed by the latter Order, (that providing for protection by gates) would involve, for that purpose alone, the levying of taxes upon its few residents, equal to more than double its present revenue from all sources.

Having regard to all the circumstances, therefore, I would reduce the proportion payable by the parish de la Presentation, etc., to 10 per cent, the amount their counsel offered to pay, and which evidently the parish resources were able to stand.

The larger municipality, having the greater interest, must bear the greater

burden, and I would increase its contribution to 40 per cent.

Order No. 27616, dated August 22, 1918, will, therefore, be amended by providing that the cost of installation shall be borne as follows: 20 per cent out of the Railway Grade Crossing Fund. The balance of cost to be borne, as to 40 per cent, by the town of Dorval; as to 50 per cent, by the Canadian Pacific Railway Company; and as to 10 per cent by the parish of la Presentation de la Ste. Vierge.

And as to maintenance, the contributions will be: 50 per cent by the railway, 40 per cent by the town of Dorval, and 10 per cent by the parish of La Presenta-

tion de la Ste. Vierge.

And the order will be further amended by providing that the cost of operating

the gates be distributed and borne in the same proportions as maintenance.

Then as to the interim Order No. 25558, dated October 20, 1916, providing for protection by watchmen, the cost of which was reserved, and is now to be disposed of. The parish claims that it was not represented when the order was made. That is palpable because it was an ex parte order—but it has had notice of it, and has been heard now upon the question of cost, equally with all others interested.

I would distribute this cost of protection, reserved by order No. 25558 for subsequent determination as follows: 50 per cent by the Canadian Pacific Railway Company, 40 per cent by the town of Dorval, and 10 per cent by the parish of

La Presentation de la Ste. Vierge; and order should go accordingly.

I have given consideration to the argument that the railway (C.P.R.), (the G.T.R. is, of course, exempt from contribution) should bear any increase of cost consequent upon any reduction which might be decided upon in regard to both above orders, but having regard to the increase of motor traffic and highway traffic generally, contributing as it does materially to the hazard of the crossing, I do not think that the railway, although junior, should bear the added burden, it, the railway, (C.P.R.), is, I think, called upon to bear a substantial yet just proportion of the cost of protection under both orders.

There remains the question as to liability for accidents, and the apportionment

thereof, which may occur at the crossing, and all other questions incident thereto.

The Order (No. 27616) directs that the gates be installed by the Canadian Pacific Railway Company, and they have been so installed. The gates protect the Coté de Liesse road as to both railways, the Grand Trunk and the Canadian Pacific which parallel each other at the crossing. There are two sets of gates, each set protecting each railway, and both sets are operated from a central tower, by one man. There is a space of about 200 feet between the tracks.

The Board is asked to determine the relative liability of each railway, and of the municipalities concerned, arising from accidents resulting from the negligent operation of the crossing gates. This invites some consideration in view of the

interests involved.

The Grand Trunk Railway Company's tracks are to the south. That railway is exempt by reason of its seniority, from contribution to cost of protection, maintenance, or operation, and therefore that railway cannot in these circumstances (differing as they do from those of the Royce Avenue Crossing Case, Vol. 5, Judgments and Orders of Board, 1915, p. 146, where both railways shared the expense of maintenance and operation) be called upon to bear any portion of the damages arising from the negligent operation of the gates, to the installation, maintenance, operation, or control of which it is exempted from contributing.

The Canadian Pacific Railway Company occupies the northerly side of the trackage to be protected. It is junior to the municipalities contributing to cost of

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erection, unintenance and operation. By the protecting order referred to, that railway company was charged with the duty of building the gates, and appoints the watchmen to control them from the central tower, and it contributes, under the terms of the order, 50 per cent of the cost of maintenance and operation of the gates.

Mr. Fiintofi, for the Canadian Pacific Railway Company, argued that that railway should be entirely exempted from any contribution to damages for accidents occurring on the Grand Trunk Railway Company's line from the operation of the crossing gates, and should only bear a fair proportion of the like damages occurring on its ewa trucks from similar causes. He contended that the municipalities should

bear all the remainder of such damages occurring on either railway.

The question appears to me in another light than that urged upon us by Mr. Flintoft. It is true, that had the Grand Trunk Railway Company's tracks been so inr at .v. though paralleling the Capadian Pacific, that joint operation from a central tower was not feasible, each railway company operating the gates protecting that railway, under any Order as to apportionment of damages as between each railway and the interested municipality, the argument that the one railway should not be liable to contribute to accident resulting from gate operation on the other would have been a cogent one, because the element of joint operation from a central tower was lacking. That element is present here. The Canadian Pacific Railway, if it did not assent to it did not quarrel much with it, filed the plans, installed the gates, and appointed the watchman to operate them, under order of the Board. The question. to my mind, is not which railway is to bear the consequence in damages of accidents happening on the other line, but rather which railway is to bear the consequence in damages and ting from mismanagement, negligent operation or non-operation of the gates. It is the question of the apportionment of any damages that may flow from the operation of the device for the protection of the road crossing that is before the Board. not whother one railway shall be made responsible for any accident on the line of the other. Prime face, the Conadian Pacitic Railway Company, charged with the duty of creating and operating the gates, would be liable for defective gates, or negligent operation thereof. The other railway had nothing to do with the installation, operation, or maintenance of the gates, which were a device ordered by the Board, as I have said before, not for the protection, or in connection with operation of, the railways, or either of them, but for the protection of the public lawfully using the highway carried across the railway or railways at that point. Each railway is, of course, alone responsible for accidents occurring on its own line through negligent operation of its railway, defective appliances, or any other cause from which negligence may be imputed to the railway. The situation here as to damages is, in some respects at least, analogous to that of a desective subway constructed by a railway at the express of a city in which it was located and where the railway was held liable for the defect causing the accident. Burrows v. G.T.R. 18 C.R.C. 183. That was because the subway was on railway property, built by the railway though the city published it, and the railway was charged with the duty of keeping it fit for the purposes for which it was intended.

The railway (C.P.R.) appoints the watchman, and the municipalities contribute to the cost of keeping him there. The municipality has no say as to the appointment of the man, as is made clear by the following extract from the evidence, volume 323, p. 1290:—

"Mr. Finter: Not as far as our railway goes, but we will for the Grand Trunk."

Whatever might have been the situation as regards the operation of the gates protecting the highway where it crosses the Grand Trunk Railway tracks, if separate

<sup>&</sup>quot;The CHIEF COMMISSIONER: You would not allow Mr. De Cary or the town of Dorval to appoint this watchman."

gates had been ordered for each railway; that is, if the distance separating the two railways necessitated separate gates, as regards the consequence in damages for negligent operation of the gates of either railway; we are now considering the proposition as it is—that is, one operation of two sets of gates from one tower, by one, the junior railway (junior both as to the Grand Trunk Railway and the municipalities), by a watchman employed by that railway and over whom the railway has full authority and control. True, the municipalities contribute to the cost, and that as to the proportion of such cost the Canadian Pacific Railway is but a paymaster, but in doing so, and in leaving the employment and payment of the man or men to the railway company they are entitled to presume that competent men will be employed for the work. The watchmen are the servants of the Canadian Pacific Railway Company. If there is an accident on that road at this crossing, whether on the Grand Trunk side or on the Canadian Pacific Railway side, as a consequence of which there is a recovery in damages, the liability is the result of the negligent operation of the crossing gates from the central tower and by the watchmen in charge of it, employed and controlled by the Canadian Pacific Railway. If Mr. Flintoft's argument were to prevail, in the event of an accident occurring on the Grand Trunk Railway tracks at this crossing, through the negligent operation of the crossing gates on that road, it would mean that the Canadian Pacific Railway Company would be entirely exempted from all consequence flowing from the negligence of their own servant and from the negligent operation of the gates of which they had full control, and the municipalities, who had no say in the appointment of the negligent men operating the gates, nor had any control over the men in the discharge of their duties, nor power to dismiss them from improper discharge of their duties, would have to pay all the damages and costs recoverable. On the other hand, if such an accident occurred at the crossing on the Canadian Pacific Railway tracks through similar negligence of the same watchmen, it is contended that the operating railway should be liable to satisfy a part only of the damages flowing from such accident; the municipalities paying the balance. Assuming the proportion of such damages that the Canadian Pacific Railway Company was willing to assume for accidents occurring on its own line, as a consequence of the negligent operation of the gates, to be 50 per cent, then the proposition presented by that railway would be that as to all damages, recovered or recoverable, as a result of the negligent operation of these gates by the man or men employed or controlled by that railway, the operating railway would be liable to pay but 25 per cent. and the municipalities 75 per cent of the damages.

As a proposition of law the contention is startling, and, in its result, appears to

be subversive of the common law principles applicable to negligence.

I do not think that in the absence of any precedence or authority to warrant it (and I have been unable to find any that would assist me), but in the face of the common law principles and of decision, such as Patterson v. C.P.R., 26, O.L.R., p. 410, where the facts were much the same, this Board would be justified in attempting to disturb or to divert the current of common law liability, or to displace the salient and wholesome application of the well-known principle of Respondent Superior, in the manner urged by the railway company. I should be slow, in the present circumstances, to interfere in any event if only on the grounds of public policy.

I do not see that any order can be made under this head.

COMPLAINT OF DOMINION CANNERS, LTD., HAMILTON, RE CLAIM FOR REFUND ON DEMURRAGE CHARGES ACCRUING DURING THE INFLUENZA EPIDEMIC

Judgment of Assistant Chief Commissioner McLean, dated November 11, 1920, concurred in by Chief Commissioner Carvell and Commissioner Boyce.

Application is made by the Dominion Canners, Limited, of Hamilton, Ont., respecting certain claims for refund of demurrage charges, which demurrage charges accrued on the lines of the Grand Trunk during the period of the influenza epidemic.

The Board, under date of May 31, 1919, issued a notice that the special treatment given in respect of influenza conditions was to terminate on June 15, 1919. This notification at the same time set out that it did not in any way affect claims at present under consideration, or claims in respect of relief under the judgment in the matter of Car Demurrage Rules—Influenza Epidemic—which may be filed prior to June 15, 1919.

The situation, in brief, is that claims were filed with the Grand Trunk on or about January 22, 1919. Correspondence took place between the Canadian Car Demurrage Bureau and the applicant pointing out that certain particulars were necessary. Applicant was asked to supply receipted expense bills, also to file an affidavit to the effect that the total amount of demurrage so charged is a direct result of the epidemic, or, in the affective, the affidavit to state just what proportion of the amount charged was directly attributable to this cause. The sum involved amounts to \$111.

Under date of March 12, 1919, applicant furnished information as to the number of men conjuged immediately previous to the epidemic period and also during the

period of the epidemic.

The judgment provides as follows:-

"Applicants for relief under the Board's order, so that the question can peoperly be disposed of not only as between the railways and the merchants, but as between merchants themselves, and so that all may be treated on a like basis and without discrimination, should file with the Car Service Bureau, or with the immediate railway company interested, evidence in writing, either by affidavit or declaration, giving the following particulars:

"1. The number of men employed immediately previous to the epidemic.

"2. The number of men employed during the continuance of the epidemic

and at the time the default in question took place.

"3. Any special or auxiliary efforts made to release the cars during such veried, such as by taking men when possible from other branches of the firm's crivities, or securing them from outside sources, such as the services of outside carters when available, or showing that no men were available in other branches of the applicant's business.

"4. What action, if any, was taken to stop further shipments to the plant

until the epidemic had ceased.

"5. If no action was so taken, to show whether, in the course of trade and having regard to the dates of shipments, any such action was possible."

1. '. preatment given was special in its nature, it follows that rigid compliance with the regulations above quoted is absolutely essential.

As pointed out, the evidence is to be supplied in writing, either by affidavit or statutory declaration. The various particulars called for under numbers 1 to 5 above set out were not, according to the material filed, set out in the affidavits or declarations.

The Board has before it copies of statutory declarations by George Gibbs, of the torn of Simeon, declared on the 22nd of June, 1920, by Thomas E. Puzey, of the torn of Simeon, declared on April 5, 1920; and by Oliver Uptgrove, of Brantford, Ont., doclared in April 5, 1920. These declarations set out, in the case of Gibbs, but it had charge of the unloading of tin-plate at the factory of the Dominion Camers, Limited, at Simcon, and that between October 29, 1918, and November 20, 1918, buth days inclusive, there was a delay at the factory in the unloading of certain respectively; and it is set out that the delay in unloading of said cars was caused through influence, which was epidemic throughout the town at that time; and it was, therefore, impossible to load cars promptly during that period.

The declaration of Pusey sets out that he was engaged as a shipper at the factory of the Dominion Canners, Limited, at Simcoe, Ont., and in this capacity had charge of the unloading of certain railway cars at the factory during the fall of 1918, and that in the case of one car specifically mentioned the delay in unloading was due to influenza conditions.

The declaration of Uptgrove, who was manager of the evaporator at Simcoe during the fall and winter of 1918-19, states that there were delays between October 29, 1918, and November 20, 1918, in respect of the unloading of specified cars, setting out that the delay in question was due to influenza conditions.

In the claim as filed with the Board, it is stated that:-

"We would advise that our factory at Simcoe informs us that the delay in forwarding documents was due to the fact that one who should have made affidavit was not in our employ, and it took them considerable time to locate him. In the meantime, they held up the balance of the information so that it could be all placed before the carriers at one time. Your prompt reply will greatly oblige."

Reference is made to one "affidavit;" it is not clear why the other declarations were delayed.

The regulations as to what was required and the way in which the information was to be submitted and the time when the information was to be submitted are all specifically set out in the judgment above referred to. The judgment in question issued as a result of some difficulties which had arisen in connection with the construction of the Board's judgment in the same matter, which issued a month previous to the judgment herein concerned; and it was with a knowledge of the difficulties which had arisen that the specific requirements, already set out, were provided for.

The judgment provides for the initiation of the claim by the filing of an affidavit or declaration setting out the requisite particulars. As already set out, the declarations were not made until a considerable period had elapsed after the termination of the period set for filing of claims. The declarations were supplied to Mr. Collins on July 8, 1920. Further, the declarations as made do not follow the

detailed requirements of the judgment.

The whole question narrows down to this-has the applicant complied with the requirements of the judgment? It has to be held that he has not.

IN THE MATTER OF THE COMPLAINT OF THE BROTHERHOOD OF LOCOMOTIVE ENGINEERS AND BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN, IN REGARD TO SPECIAL INSTRUCTION "E." CANADIAN PACIFIC RAILWAY TIME-TABLE, COVERING STATION LIMITS.

Judgment of Commissioner Boyce, dated November 26, 1920, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel, and Commissioner Rutherford.

Complaint is made to the Board that what is called "Special Instruction "E," as at present contained in the working time-tables of the Canadian Pacific Railway Company, should be discontinued as illegal, and not in accordance with, nor a part of, the authorized general train and Interlocking Rules prepared and authorized under the appropriate provisions of the Railway Act. The complaint is of long standing, and since the year 1913 has been before the Board for hearing on three occasions.

One of the original protests made to the Board, dating back to November, 1913,

may usefully be referred to for particularity, and reads as follows:-

"That we, the members of the Brotherhood of Locomotive Engineers, Division......of......heartily endorse the action taken by Bro. Lawrence,

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car representative, in opposing Rules "F" and "F." in the Canadian Pacific Rallway's time-table on eastern and western lines, and strongly protest against any rules that have for their object any changing of the system of protection from that contained in the Standard Code of Rules as approved by the Governor in Council."

The above is a sample of a great many similar protests received from different lodges throughout Canada, on the same subject, of the Brotherhood of Locomotive Firemen and Engineers in Canada.

Special Instruction "E" complained of, reads as follows:-

"The outer main track switches of passing tracks will be considered 'station limits' and main track may be used inside of such limits by keeping clear of first and second class trains. All trains except first and second class trains must, unless otherwise directed, approach and pass through such limits, prepared to stop, unless the main track is seen to be clear. Trains occupying or using the main track outside of station limits must be protected unless train orders or schedule confer the right to use main track. During foggy, smoky or stormy weather protection as per rule 99 must, in addition, be maintained to insure absolute safety."

This Special Instruction was first issued by the Canadian Pacific Railway Company's as island general mutager and appeared in the company's time-tables on June 25, 1997. A similar "Instruction" appears in the working time-tables of the Canadian National Railway Company, which was represented at the hearing.

And Special Instruction "F," which reads as follows:-

"Where there are no yard limit boards, the outer main track switches of passing tracks, unless otherwise directed, will be considered yard limits within the meaning of rule 93."

first appeared in the Canadian Pacific Railway Company's time-table No. 6, of the Western Division, June 5, 1910. By order of the Board, No. 108, dated August 11, 1913, the Canadian Pacific Railway Company was directed to withdraw rule "F" and observe uniform rules regarding yard limits.

Neither Special Instruction "E" nor Special Instruction "F" were ever incorporated into the general train and interlocking rules, nor did they in any way ever receive ratification or approval by order of this Board, or by the Governor General of Canada in Council, as it is contended by the complainants is essential under the

Railway Act to make them valid and legal operating rules.

It was contended by the complainants and very exhaustively and ably argued, that Special Instruction "E," which is now used on the entire system of the Canadian Pholog Railway, and is also applied on the Canadian National Railway, including what is known as the Intercolonial System, was not only illegal, in that it was an operating rule requiring the approval as above, but that it was unsafe in operation as above, but that it was unsafe in operation is resulted in accidents; that it conflicts with certain rules Nos. 93, 99, 551, and 552, and with deflatitions of terms of the general train and interlocking rules duly sanctioned under the Railway Act.

The railway company, with equal force, urged upon the Board that the Instruction which had been in force since 1997 had, by practical application and operation, been to and to be the safest plan of operation under the circumstances intended to be movibled at inst; that the accidents referred to by complainants had, in the majority of cases, not been caused by the application of the Instruction, but by the non-circumstant of the Instruction, and that the safety of the public and of the employees of the follows and the most of control operation had been best attained as a result of

operating under the Instruction since 1907, and that to modify or change the plan of operation mentioned in Instruction "E" would be to create a danger which hitherto operation thereunder had avoided, and the railway company asks that should the board be of opinion that Special Instruction "E" is open to the objection that it lacks approval and ratification in the form required under the Railway Act, this Board shall issue an order, under the provisions of section 287 of the Act, authorizing the company to continue the present method which, the company submits, has been amply demonstrated upon the evidence to be an eminently safe and proper one.

If, as is contended by the complainants, that which is called, and promulgated to its employees as, Instruction "E" appears only in the company's working timetable as an "Instruction," and does not appear in the book of operating rules approved under the Railway Act, then it is necessary to consider the contentions of the railway company that the Instruction was not one requiring to be approved under the provisions of the Railway Act in order to attain legality. The operation provided by Instruction "E" may be, as is contended by the railway company, an eminently safe and proper one. It was contended that it provided the safest and most proper method of operation of the character provided for in the "Instruction," and yet, if the "Instruction" is, in fact, a rule or regulation of the character contemplated under sections 290 et seq. of the Railway Act it can only become effective as a legal rule on complying with the requirements of the Act as regards approbation. To designate that as an "Instruction" which is, in fact, an operating rule of general application, would be an evasion of the sections referred to. To permit such a practice to continue would be to disregard the duty of the Board, imposed by section 288 of the Railway Act, to endeavour to provide for uniformity of rules for the operation and running of trains, and might expose the public and the employees of the railway. to the danger resulting from a system of operation, of general application on any railway, not governed by, and, perhaps, inconsistent with, the operating rules approved according to law.

Section 290 of the Railway Act, reads as follows:-

"The company may, subject to the provisions and restrictions in this and in the Special Act contained, and subject to any orders or regulations of the Board made under sections two hundred and eighty-seven and two hundred and eighty-eight, make by-laws, rules or regulations respecting:

"(a) the mode by which, and the speed at which any rolling stock used on

the railway is to be moved;

"(b) the hours of arrival and departure of trains;

"(c) The loading and unloading of cars and the weights which they are respectively to carry;

"(d) the receipt and delivery of traffic;

"(e) the smoking of tobacco, expectorating, and the commission of any nuisance in or upon trains, stations, or other premises occupied by the company;

"(f) the travelling upon, or the using or working of the railway;

"(g) the employment and conduct of the officers and employees of the company; and,

"(h) the due management of the affairs of the company."

# Section 292 provides that,-

"All by-laws, rules and regulations, whether made by the directors or the company, shall be reduced to writing, be signed by the chairman or person presiding at the meeting at which they are adopted, have affixed thereto the common seal of the company, and be kept in the office of the company."

Section 293 provides that,-

"(1) All such by laws, that and regulations, except such as relate to tolls and such as are of a private or domestic nature and do not affect the public generally shall be submitted to the Governor in Council for approval."

Upon a report from this Board (subsection 2) the Governor in Council may sanction such by-laws.

"(Subsection 3) No such by-law, rule or regulation shall have any force or effect without such sanction, or after such sanction has been rescinded.

Section 294 provides that,-

"Such by-laws, rules and regulations when so approved shall be binding upon, and shall be observed by all persons, and shall be sufficient to justify all persons acting thereunder."

Reference was made to the General Train and Interlocking Rules, which were opered by unless of the Heard, No. 7503 (now General Order No. 42), July 12, 1909, dignorth, he haw No. 00, passed by the Board of Directors of the Canadian Pacific it diver Company on March 11, 1910, and approved by His Excellency the Governor General in Canacil. These rules, it was contended by complainants, are the rules, and the only rules and regulations, which govern, and legally can be intended to covern, "the using or working of the railway." By reference to the memorandum on page 3 of these working rules, legalized under the Railway Act, it will be seen that there is a monocandom, signal by the vice-president of the railway company, which contains the following intimation:—

"The rules herein set forth govern the railroads operated by the Canadian Pacific Railway Company. They take effect June 1, 1910, superseding all previous rules and instructions inconsistent therewith. Special instructions may be issued by proper authority."

There was also filed a copy of a working time-table of the company, such as is taked in the names of its operating men, and in this working time-table, and under the head of "Special Instructions," is to be found Instruction "E," which is complained of. All other "instructions," except Instruction "E," contained under the head of "Special Instructions" in this time-table are of minor importance and are "special" with regard to special conditions therein referred to.

It is contended that this Special Instruction "E" is inconsistent with rule 99 of the General Train and Interlocking Rules, approved as above. Rule 99 reads as

follows:-

"When a train stops or is delayed on the main track under circumstances in which it may be overtaken by another train, the flagman must go back immediately with stop signals, a sufficient distance from the train to insure full protection at least:

"In daytime, if there is no down grade toward train within one mile of its rear, and there is a clear view of its rear of 2,000 yards (40 telegraph poles)

from an approaching train."—500 yards, 10 telegraph poles.

"At other times and places, if there is no down grade forward train,

within one mile of its rear.—1,200 yards, 24 telegraph poles.

"If there is a down grade toward train, within one mile of its rear."-

1,800 yards, 36 telegraph poles.

"The flagman must, after going back a sufficient distance from the train to insure full protection, take up a position where there will be an unobstructed vlow of him from an approaching train of, if possible, 500 yards (10 telegraph poles), first placing two torpedoes not more than 200 or less than 100 feet apart

on the rail on the same side as the engineer of an approaching train, 100 yards (2 telegraph poles) beyond such position. The flagman must remain in such

position until recalled or relieved."

"If recalled before another train arrives he must at night, or when weather or other conditions obscure day signals, or when snow plows or flangers may be running, in addition to the two torpedoes, leave a fusee burning red at the point he returns from and at such other points on his return as may be necessary to insure full protection."

"The front of a train must be protected in the same way when necessary

by the front brakeman, or if there be none, by the fireman."

"Flagmen must always on the approach of a train display stop signals, and if not already done, place two torpedoes on the rail as before described, and

then return 100 yards (2 telegraph poles) nearer the protected point."

"Flagmen must each be equipped for daytime with a red flag and four torpedoes, and for night time and when weather or other conditions obscure day signals, with a red light, a white light, and four torpedoes, three red fuses and a supply of matches.

"A train should not stop between stations at a place where the view from

following trains is obstructed."

Under the provisions of Instruction "E" if a train stops, or is delayed, on the main track, within the boundaries defined by Special Instruction as "Station Limits," it appears clear that the intention of the company is that the provisions of Special Instruction "E" shall control the operation as against the provisions of rule 99; that is, that a rule-No. 99-duly approved under the Railway Act, shall, under certain conditions, be superseded by an "Instruction" in the time-table. The railway company states that this is not the case, that rule 99 is self contained, but I do not so read it, because it provides for a contingency of a train being stopped or delayed on the main track. If it be stopped or delayed on the main track, outside of what are called or said to be considered "Station Limits," under Special Instruction "E," the method of operation provided by rule No. 99 will be employed under the general rules, but under Special Instruction "E" the main track within the boundaries considered therein as "Station Limits" may be used inside of such limits by keeping clear of first and second class trains, thereby abrogating, to that extent, "the application of the provisions of rule 99 against other than first or second class trains within that portion of the railway which is to be considered under Special Instruction "E" as "Station Limits". It cannot be said, giving to this so-called "Instruction", the broadest possible interpretation, that it is free from the charge of interference, or confusion with, the provisions of rule 99, as regards the special conditions mentioned in Special Instruction "E". The same contention is made with regard to rule 93, which reads as follows:-

"Within yards defined by yard limit boards, the main track may be used,

keeping clear of first and second class trains."

"The main track must not be so used within yard limits until it is known that all sections of overdue first and second class trains have arrived."

"All trains except first and second class trains must, unless otherwise directed, approach and pass through yard limits prepared to stop, unless the main track is seen or known to be clear."

"Yellow lights must be attached to the yard limit boards to be kept

lighted from sunset to sunrise."

Here "yard limits" are referred to as being defined by yard limit boards, and the main track may be used under the rule, provided first and second class trains are cleared. The contention is that the regulation contained in Special Instruction "E" conflicts with rule 93 in its operation, in that, under Special Instruction

"It" the outer main track switches of passing tracks are to be considered "Station Limits" (not yard limits), and under the conditions mentioned in that instruction the main track inside of such "Station Limits" may be used, but as rule 93 and upper of rule, as is also rule 99, there is force in the contention that the protions of rule 90 an arlinate with the operation contemplated by rule 93 as part of a general legally approved operating system governing the railway.

Rules 551 and 552 read as follows:

551. "A train finding a station protection signal indicating "stop," must stop before passing it, and may proceed with extreme caution, sending a flagman ahead if necessary for complete protection, and expecting to find a train moving in either direction."

552. "Conductors of trains protected by such a signal must also send out a flagman as an additional protection of the train if the condition of the weather, location of the train, with regard to grades or curves, makes it necessary for the absolute protection of the train."

It is urged, as has been said, that under the operation provided for by the so-called Special Instruction "E" the outer main track switches of passing tracks will be considered "Station Limits" and within such limits the main track may be used under the conditions and restrictions in the instructions specified, but here is a rule (551) providing that a station protection signal within the station limits may indicate a stop, and that a train finding such a station protection signal indicating "Stop" must stop before passing it, sending a flagman ahead, if necessary, for complete protection. To my mind, the operation of this rule is not altogether free from the objection that its clarity and exactness is interfered with, or obscured, by the existence of the Special Instruction "E" which applies generally throughout the whole system.

It would appear that to give effect to what is contained in Special Instruction "E," if it is to be applied as a general operating rule, the main track switches of passing tracks are, for the purpose of operating under the Instruction, to be considered as "Station Limits," i.e., that these main track switches are to be regarded as "fixed signals" indicating the boundary of station limits within which operation is to be carried on under Instruction "E." It is contended, and I think with force, that a switch stand is not a "fixed signal" within the meaning of the rules. A "fixed sign of its defined by the Appr ved Rules, as-"A signal of fixed location indicating a condition affecting the movement of a train." In operating under Special Instruction "I" The puter main track switches must be considered as "fixed signals," which, It my opinion, and having regard to the approved rules governing switch signals, are offier at regulations from those relating to "fixed signals." This operation is very somil r to that which was in issue in Walker v. Canadian Pacific Railway Company, repart of at 23 C.R.C. p. 390, the decision in which was affirmed by the Supreme Court of Canada, 24 C.R.C. 399, and where it was held that a switch stand is not a "fixed signal," within the meaning of the railway regulations, and is governed by different rules, an engineer is not guilty of negligence in passing a red light on a switch stand, although compelled by the railway rules to stop where such is shown as a signal other than on a switch stand.

Of a as it is to the objections as to inconsistency with the published and agalized operating rules governing the movement of trains, and while it is not necessary to decide upon the evidence, on the facts before us, as to whether there is, to fact, an interference by the Instruction "E" with any of the general operating rules as ratified, there are, in my opinion, in Special Instruction "E," provisions applicable to and governing to some extent, the general operating and working of trains were the whole system of the Canadian Pacific Railway, and of the other railways against under the same treathed, and that because it makes provisions applicable to

the working of trains over the whole railway systems using it, and does not provide only for particular and inconsequential operations, I am of opinion that Instruction "E" is a "regulation" governing the using or working of the railway within the meaning of section 290 (f) of the Railway Act, and as such required, to establish its legality, must comply with the sections of the Railway Act, which I have indicated, including the sanction of the Governor General in Council.

The question raised is very similar to that which was an issue in Fralick v. Grand Trunk Ry., 43 S.C.R. 494, and I feel constrained to adopt the reasoning and opinions of Justices Girouard and Anglin in that case, that what is contained in the instruction in that case, as in this, was, in fact, a regulation, and was not a valid regulation, or a legal regulation, until made so under the provisions of the Railway Act. At the same time I would point out that the so-called "Instruction" referred to in the judgment in Fralick v. G.T.Ry. (Supra) was less general in the scope of its character, and in the extent of its operation, than is Special Instruction "E" now under consideration.

Mr. Flintoft contends that should the Board hold that Special Instruction "E" is a regulation necessitating the statutory approval referred to, the Board should make an Order under section 287 of the Railway Act. Being of the opinion as expressed above, that the so-called Special Instruction "E" is a regulation requiring the statutory sanction referred to, I would point out that the provisions of section 293 (3) require that no such by-law, rule, or regulation, shall have any force or effect without such sanction, or after such sanction has been rescinded under section 294—"that such . . . regulations, when so approved shall be observed by all persons, and shall be sufficient to justify all persons acting thereunder."

Now, section 287 referred to by Mr. Flintoft, provides that the Board may make

orders and regulations (1):-

"Generally providing for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains and the speed thereof, or the use of engines, by the company or on or in connection with the railway."

It seems to be clear that what is contemplated by the subsection above quoted, is that the Board may make general provisions for protection of property and the protection, safety, accommodation, and comfort of the public, and of the employees of the company, in the running and operating of trains and the speed thereof, or the use of engines, by the company on or in connection with the railway, but gives no power, nor do I see that it contemplates the giving of any power, nor can I presume that this Board can obtain thereunder any power of providing for the method of running and operating trains. That power can only be derived, in my opinion, by the operation of section 290 et seq and subject to the performance of the statutory restrictions and with the approval therein provided for.

I am, therefore, of opinion that it is not within the power of the Board, under section 287 of the Railway Act, or any other section, to make that a regulation which

is not made so under sections 290 et seq.

The Special Instruction complained of has been in force, and the railway has been operated under it for a great many years, and the submissions indicate that though open to strenuous objection by a part, at least, of the employees of the railway operating under it, it has been, it is said, operated with success and is still in general use throughout the entire system. Under section 288 it is the duty of the Board to endeavour to provide for uniformity of rules for the operation and running of trains, and it is important in the interests of such uniformity that if such an operating provision as contained in Special Instruction "E" is necessary or desirable for the safe and efficient operation of the railway, it should be made a regulation as soon as possible, not only upon the Canadian Pacific, the Canadian National, and any other

radways now using it, but consistently with that uniformity of operating rules which it is the duty of the Beard to insure as far as practicable, upon every other railway operating under the jurisdiction of this Beard, and any rules, now in force, which may be mean-sistent with it, so mediced as to remove that danger. I recognize, however, that a change from one system of operation, however it may have grown up, cannot immediately be unade, having regard to the safety of the public, and of the employees of the railways involved. I would, therefore, in the order to be made by the Board, in sort that the elimination of Special Instruction "E," as now in the time-tables of the railways concerned, shall not take effect until June 1, 1921, by which time the railway contains concerned will have been able to make all necessary changes in order to bring the operation under the General Rules approved under the Railway Act, if, in sampliance with the Act, such a Rule is decided by statutory authority, to be a proper one to receive approval in statutory form.

An order will, therefore, go, requiring the Canadian Pacific Railway Company, and all other railway companies under the jurisdiction of the Board, to withdraw Sm ial Instruction "E" from their respective working time-tables, and hereafter is orve the uniform code of rules for Canadian Railways, approved by Order No. 7563, now General Order No. 42, dated July 12, 1909, the necessary changes and instructions

to employees to become effective on June 1, 1921.

APPLICATION OF THE TOWN OF NORTH BAY, ONT., FRANK DECICCO, MARY DECICCO, AND OTHERS, OF NORTH BAY, FOR COMPENSATION ARISING FROM THE CONSTRUCTION OF THE CANADIAN NORTHERN ONTARIO RAILWAY THROUGH THE TOWN OF NORTH BAY.

As lument of Assistant Chief Commissioner McLean, dated December 27, 1920, concurred in by Chief Commissioner Carvell:

The Chief Commissioner stated at the hearing that he did not propose to go into the question of values, it being held by him that the findings of Mr. Simmons, the Board's Engineer, who had by consent acted as arbitrator, should in this regard be compited as final. His disposition should, in my opinion, be taken as the position of the Board.

The matter is therefore concluded on the merits. The only matters arguable at those converning points of law which may be involved. At the hearing, counsel made some cight claims, viz., those of O. Conte, Claim No. 35; L. Conte and Concrete Conte, Claims Nos. 3 and 73; T. Decicco and Mary Decicco, Claims Nos. 22 and 23; S. Zimbolato, Claim No. 6; A. Lamourie, Claim No. 32; Terasina Pelangio and P. Pelangio, Claim No. 88—raising questions of law as to the allowance of costs and interest.

Commet for Rev. Father Remando raised not only the status of his client in regard to compensation, but also his rights in regard to interest on such compensation.

The questions of interest and costs were raised in the proceedings before the arbitrator, who used the following language concerning these topics in his report:—

"Interest on amounts awarded Claimants.

"The claimants ask for interest at 5 per cent on any amounts that may be awarded them, but I understand that decisions in the Courts have been against awarding interest on claims that have not been established. The company states that the claims had been demanded. I leave this matter to be disposed of by the Board.

" Casto

"As to costs, I think each party should pay its own costs, and place the general costs of the arbitration on the railway company."

It has been held that interest cannot be allowed on the amount of damages awarded for and sinjuriously affected, there being no severance. Leak v. City of Toronto, 30

S.C.R. 321. It is in substance contended by Mr. Slaght, counsel for applicants other than Father Renando, that what is involved in the present application is equivalent to land being taken and compensation determined therefor. And it follows from his contention that there is a further contention that interest should apply in connection with such compensation.

I am of the opinion, however, that to regard what is herein involved as being equivalent to the taking of land is a forced construction. As the matter presents itself to me, it must be dealt with as a question of damages, there being no severance involved, and is, therefore, a matter governed by Leak v. the City of Toronto.

It follows, therefore, that the addition of thirty per cent to the principal, as asked

for by Mr. Slaght, in lieu of interest, is in the same position.

In dealing with the question of costs, the somewhat unusual conditions involved and the proceedings whereby a consensual arrangement as to the scope of the reference was arrived at must be borne in mind as one factor. While, under the Railway Act, the Board has a discretionary power in respect of the fixing of costs and of the determination by whom and to whom costs are to be paid, it has with few exceptions been the practice of the Board not to award costs. The exceptions involved were during the earlier years of the Board's history.

Considering what burden may be imposed if, for example, an unsuccessful applicant had to pay the railway costs, it being recognized that the practice adopted as to costs must be reciprocal, there has developed a practice based on public interest that each party should pay his own costs. This practice has developed as a result of the type of jurisdiction the Board is given and as a result of the nature of the cases with which it has had to deal, which are in many ways sharply distinguished from those

coming before other tribunals.

As pointed out, the Board has in matters falling within the Railway Act so provided for the burden. In the matter such as the present, which is to a great extent based on consent not on jurisdiction, it seems to me that the argument for applying the practice which has been applied in cases where the Board has complete jurisdiction is strengthened. After full consideration of the informative and capable argument made by Mr. Slaght I have arrived at the conclusion that the parties should bear their own costs.

In dealing with the case of Rev. Father Renando, the arbitrator uses the following

language:-

"Rev. A. Renando (Claim No. 8).

"This claimant acquired an interest in lot 686 and the north half of lot 687, Second avenue, by mortgage, July 19, 1913. The amount of the mortgage was \$865, and J. M. McNamara acted as trustee for Renando, acquiring full title to the property in September, 1916. Renando became interested in the property through endorsing a note for \$800, to enable Rommano, the owner of the property, to build a house. The note came due, and the amount was charged up to Renando's account. To protect himself he took a mortgage, and stated that Rommano promised he would pay him back when he sold the property to the Canadian Northern Railway, or was paid the claim that he had filed. Renando claims now that with the property he acquired the claim against the railway. Mr. White claims that, as Renando was not the owner of the property at the time the railway was built, he can have no claim under the Railway Act, but admits he has a claim under the Municipal Act, as the by-law diverting the street was not passed until June, 1918.

"I am inclined to agree with Mr. White's contention that there can be no claim under the Railway Act, as the railway was built about a year previous to the time when Renando acquired the property; but he went on and obtained a deed for it with his eyes open, and knowing that it had been damaged by the construction of the railway. I shall have to refer this to the Board for

decision.

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The diversion of Second avenue damages the property slightly, but the embeddament or the street to the north, and on the right of way to the east, damages it considerably. Nothing can be assessed for the latter, as it is on the company's land.

"I allow \$420 for damages, divided as follows: embankment on street,

\$280; diversion of street, \$140."

The argument of counsel for this applicant is in effect that this client has a standiar under the Railway Act, and this should be given weight. Title to the majority was acquired some time in 1917; the railway work was constructed in September, 1016. It is contended by counsel for this applicant that his client steps into the rights of the owner at the time of the construction of the railway. My understanding of the award is that while in various cases there were questions as to be supported what foll under the Railway Act, that with a view to closing the matter up the railway did not press these questions to their logical conclusion.

The Railway Act is the section which covers the jurisdiction, if any, at the licent in respect to the case herein involved. An embankment has been built across second arome, which carries the tracks, and Second arome is continued by a diversion into Front street. Section 255 provides that the railway may, on the carried upon, about, or across any existing highway, subject to compensation

to adjacent or abutting land owners, if the Board so directs.

Instead of Second avenue as it existed prior to the construction of the railway, there is now a closing by means of which the railway is carried across Second avenue. It is diversing by means of which traffic is carried on the highway. It may be that in other cases deal, with by the arbitrator, similar facts arose, and notwithstanding this, provision may have been made for compensation, a provision which the railway has agreed to and which is, therefore, in no way involved in or affected by the present case.

A strong argument may, I think, be made for the position that where the tracks are carried across a street by a separation of grades and a substituted highway caylded, this situation does not fall within the provisions of section 255. In other word, if I am correct what the section had in contemplation was the carrying of

the tracks upon, along, or across an existing highway, on the level.

When at appeal limited to the particular case in point, this appeal being based on a part of law, is made to the Board, the Board has to consider what the standing of the applicant is under the Railway Act and what jurisdiction, under the Railway Act, the Board has to make an order, because mere consent does not extend the jurisdiction of the Board.

As the matter presents itself to me, I do not consider that the situation herein involved fulls within section 255. It therefore follows that an order cannot be made as asked for.

APPLICATION OF THE NOTICE DAME INVESTMENT COMPANY, LIMITED, WINNIPEG, MANITOBA.

FOR AN ORDER DIRECTING THE CANADIAN NATIONAL RAILWAYS TO SPOT CARS ONLY AS

DIRECTED BY THE APPLICANTS ON C.N.R. SPUR RUNNING BETWEEN THE NORTH SIDE

OF MARKET STREET AND THE SOUTH SIDE OF JAMES STREET, IN THE CITY OF WINNIPEG,

MANITOBA, BY REASON OF CERTAIN PARTIES RECEIVING HERETOFORE BENEFIT FROM

SAID SPUR AND NOT PAYING ANYTHING TOWARDS THE COST AND MAINTENANCE OF

SAID SPUR.

Deputy Chief Commissioner Nantel.

This is was heard by the Board at a sittings in Winnipeg on the 25th of October lost, and has been before the board on a former occasion.

It appears that in 1903, the firm of Foley, Lock & Larson, who owned a wholesale grocery business situate on Jemima street, in the city of Winnipeg, wished connection with the Canadian Northern Railway tracks lying to the east thereof, and, in order to do so, evidently must have made some arrangement with the city of Winnipeg and also purchased a triangular piece of land between Bertha street and the railway, upon which the tracks were constructed to make the connection between Jemima street and the railway proper.

At that time a number of industries were located upon the same street, and it seems that an agreement was entered into between Foley, Lock & Larson and these industries by which they were to pay a certain share of the cost of construction, and I believe some of them did pay it, although the record does not seem to be very clear upon that point. A computation showed that, up to 1912, the cost, with interest at 6 per cent, amounted to about \$16,000. Mr. Andrews, who appeared for Foley Brothers, gave the Board a very interesting history of what took place at the time the spur was constructed, and stated: "The Foleys were the ones who were extremely anxious to get it in for the new warehouse they were putting up, and offered to put up all the money necessary to build the spur and acquire the land, and the others agreed that they would pay Foley Brothers their shares. Unfortunately through a fire which occurred on Main street that agreement was lost." He stated that, almost immediately thereafter three or four of the owners paid their shares, and Foley Brothers paid all the taxes on the triangular piece of land as well as the annual maintenance charge year after year. One or two others contributed their shares as they were asked for them, and, after that, so far as the record shows, nothing further took place.

It seems that the Foleys allowed the matter to stand for ten or twelve years without collecting anything from the users who had not contributed, and finally assigned their rights to the present applicants, the Notre Dame Investment Company, Limited, who now allege that many of the firms now using the spur refuse to contribute not only their share of its capital cost but any proportion of the maintenance as well, and they now ask this Board to direct the Canadian Northern Railway

Company to spot cars only as directed by them.

Some of the users, and especially the United Grain Growers, Limited, who were represented by Mr. Jamieson, their counsel, took a very high business stand and claimed they were perfectly willing to pay their proportion and thought others should do likewise; but, unfortunately, all parties were not as fair, otherwise I suppose the matter would not have come before the Board. Mr. Andrews, who was solicitor for the Foleys at the time the track was built, stated what was probably the case, viz., that the Foley Brothers constructed the spur, were negligent about collecting from the other users, and simply allowed the matter to drift.

Mr. Temple stated that the spur was not built under any section of the Railway Act, but, to use his own words, "they just joined up." He rather seemed of the opinion that, where a spur such as this was constructed without an order of the Board but upon private agreement between the Railway Company and the industry, it is a

private spur.

At the close of the case, he filed a copy of an agreement, dated the 1st day of October, 1903, the legal effect of which is very different from that stated by Mr. Andrews, and which, in effect, makes it a part of the Canadian Northern Railway System, leased to Foley, Lock & Larson at an annual rental of \$50.72, the important part of which is as follows:—

"This agreement, made in duplicate this first day of October, 1903, between The Canadian Northern Railway Company, hereinafter called 'The Railway Company,' of the first part, and Foley, Lock & Larson, of the second part.

Whereas, the party of the second part is interested in a wholesale grocery business situate at the city of Winnipeg, in Manitoba, and near the railway of the railway company, and desires to have the use of a railway siding which connects the said premises with the said railway on the terms hereinafter mentioned, which the railway company has agreed to;

Now, therefore, it is hereby mutually agreed between the said parties as follows:—

1. The railway company covenants and agrees that the party of the second part move as tomant thereof to the railway company, use the siding connecting with the said railway, as shown on the plan hereto annexed, upon the terms and conditions hereinafter specified.

The party of the second part covenants and agrees as follows:-

This is ing the case. I fail to see how the Board would be justified in ordering the allow ordinary to spot cars only to such persons as the present applicants might designate, because it would be discrimination without any question whatever. As there is I see how the Board could in any way assist the applicants in collecting is in the different users of the spur the amounts, which, in my judgment, they should be compelled to pay.

At the hearing, I was very much inclined to the belief that relief could be given under the provisions of section 186, a new section inserted in the Railway Act if the revision in 1919, but, on a closer examination, I am convinced that this section only gives the Board power to permit the owner of another industry to use an existing pur providing the spur was constructed under section 185, usually referred to as the "forced construction clause," and, as this particular spur was not constructed under the provisions of that section, I do not see how any relief could be granted thereunder.

Therefore, very reluctantly, I am compelled to hold that this Board has no invisite time to assist the applicants in recovering the moneys which seem legally due them, and I think their only recourse would be to the courts. The application, therefore, will be dismissed.

COMPLAINT OF THE MARCONI WIRELESS TELEGRAPH COMPANY AGAINST THE PROPOSED INCREASED PROPORTION OF TRANSATLANTIC WIRELESS RATES DEMANDED BY THE WESTERN UNION AND THE GREAT NORTH WESTERN TELEGRAPH COMPANIES.

Judgm n' of Assistant Chief Commissioner McLean, dated December 28, 1920, concurred in by Chief Commissioner Carvell and Commissioner J. G. Rutherford.

Application is made by the Marconi Wireless Telegraph Company of Canada. Limited, for an order under section 375 of The Railway Act as follows:—

Directing the Western Union Telegraph Company and the Great North Western Telegraph Company of Canada to continue to handle the Marconi Company's full rate transatlantic traffic at the rates shown in exhibit "D" hereto attached;

- (b) Directing the Western Union Telegraph Company and the Great North Western Telegraph Company of Canada to handle the Marconi Company's deferred transatlantic traffic at one-half of the proportionate rates charged for full rate transatlantic traffic as set forth in the said schedule "D" attached hereto;
- (c) Directing the Western Union Telegraph Company to accept all traffic at its Canadian offices routed for transmission to the United Kingdom "via Marconi".

The answer of the respondents as developed in formal answer, and in evidence and argument at the hearing, sets out the alleged reasonableness of the basis of the proposed charges. It is proposed that on westbound business the rates payable by the Marconi Company to the telegraph companies for land transmission should be on a zone basis. At present, in the transmission of a message by cable and by a connecting land company, the rate is made up of the cable charge plus a land charge not based on a mileage, but based on a zone or area. This land charge, which is not based on mileage, covers a movement of the cable message into or through said area or zone.

The zone rates which it is proposed to charge are built up on a word rate instead of a message rate basis. On the average this would mean one-eighth of the message rate. The zones proposed were covered by the following rates in cents: 4, 11, 13, 15 and 16.

It is now proposed that the initial zone, the one in which the especial terminal expense is involved, should be 5 cents; the others remaining unchanged.

It is stated by the telegraph companies that in respect of the business on westbound movement the telegraph company has "named only a consistent rate the same as we gave to other cable companies, both competing and non-competing, for what we regard as important and essential service which we render."

The above is the basis proposed as to the westbound business.

As to the eastbound business in which the service can be performed by the telegraph company and the cable company in co-operation, the telegraph company declines to collect this business. This, it is stated, is a matter which if it is developed at all must stand for negotiations. It is further pointed out that the general practice of the Western Union is not to collect any traffic for any competing cable company.

While it is thus contended that the rate basis is reasonable, it is specially set out that the position of the respondents is that the Board has no jurisdiction to make the Order asked for. It is contended by the applicants that the Board has jurisdiction. The jurisdictional question involved is the power of the Board to compel the respond-

ents to enter into through rate arrangements with the applicants.

Referring first to the clause numbered (c) in the application as above set out. Reference was made during the hearing by the applicants to the provisions of the Radiotelegraph Act, 3-4 George V, chapter 43. The applicability, if any, of the terms of the legislation in question to what is herein involved is not developed. The only provision of the Act in any way concerned with the powers of the Board appears to be section 5, which provides:—

"All persons operating land or cable telegraph lines shall transmit all messages destined to or coming from ship stations via coast stations under such rules as may be made by the Board of Railway Commissioners for Canada."

The application is in respect of a transoceanic movement.

It will be noted that the section is limited to traffic originating at or terminating at ship stations. The interpretation section of the Act provides:—

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"Ship station means any radiotelegraph station established on board a ship which is not permanently moored. Coast station means any radiotelegraph station which is catablished on land or on board of ship permanently moored, and which is used for the exchange of messages and electric signals with ships at sea."

While the application is launched under section 375 of the Railway Act, to which detailed ref reace will later be made, it is in order to refer to the provisions in respect

of railway joint rates as set out in the Railway Act.

The Railway Act was, in the first instance, an Act concerned with railway matters alone. By a primess of accretion amendments giving various powers of regulation have been made in respect of other types of utilities. In no case is a regulative power conferred which is wider than the power conferred in the first instance in regard to rallways. On the contrary, it is in every case less, and in some instances very much less.

Further, the powers conferred in regard to these additional utilities have not icen set out in the form of separate codes. While powers in respect to them have been set out in the Railway Act provision has been made defining the scope of these powers in terms of an interpretation of the Railway Act. Reference may be made in this connection to the words contained in subsection 12 of section 375:-

"Without limitation of the generality of this subsection by anything contained in the preceding subsections, the jurisdiction and powers of the Board, and, in so far as reasonably applicable and not inconsistent with this section or the Special Act . . . . shall extend and apply to all companies as in this section defined, and to all telegraph and telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada . . . . "

Various sections of the Railway Act are specifically excepted in the case of the juli-diction as to telegraph and telephones. The jurisdiction in respect of these utilities is dealt with in section 375. The provisions of sections 336 and 337 are not excepted. They may, therefore, be referred to from the standpoint of the construcion of the Boards powers. They are concerned with a situation arising in Canada; 336 provides that:-

"Where traffic is to pass over any continuous route in Canada operated by two or more companies, the several companies shall agree upon a joint tariff for such continuous route."

If the companies do not agree upon a joint tariff then the Board on the application of any company or person desiring to forward traffic over any such continuous route which the Board considers a "reasonable and practicable route" may determine the route, ilx the toll, and apportion the same among the companies interested.

It is to be noted that in a case thus falling entirely within the jurisdiction of the Board the Board is not called upon to make a joint tariff for every combination,

but only for such as it considers the "reasonable and practicable" route.

Let us assume that a situation existed where two points were connected by one line. Thereafter an application may be made for a route composed of a portion of the line aforesaid and of a portion of another line; and at the same time the Board is asked to fix and apportion a rate for this continuous route. The Board would then have before it an application to direct the installation of a rate meeting the one line rate between the two points in question, thus short-hauling the line which connects the two points in question by means of its own rails. Under the circumstances it would be open to the Board to say that the route proposed was not a "reasonable and practicable" one. In a case where already a joint tariff exists between two given points it is open to the Beard to hold that the proposed continuous route is not a "reasonable and practicable" one.

The section 337 also sets out in subsection 4:-

"The Board may decide that any proposed through rate is just and reasonable, notwithstanding that a less amount may be allowed to any company out of such through rate than the toll such company would otherwise be entitled to charge."

Under sections 338 and 339 provision is made in respect of the filing of a joint tariff for a continuous route involving, inter alia, a movement from a point in a foreign country to a point in Canada. The Board is given no power to determine and apportion a through rate in case of disagreement between the parties. While generally the joint tariffs on such a movement carry a through rate less than the sum of the rates local to the movement in each country, the requirements of the section could be complied with by filing a through rate made up of the sum of the locals. There would, under this arrangement, be an agreed on through rate for a continuous movement.

Provision is made by subsection 2 of section 341 that the Board may require to be informed of the proportion of the joint rate which accrues to any company, whether Canadian or foreign. The joint rate which the statute calls for in respect of the business from a foreign country to Canada is based on agreement. It is not necessary to express a concluded opinion upon the effect of this subsection. It may be suggested, however, that this is tied up with the powers of the Board in respect of disallowance which are contained in the same section.

By an Act of 1910, Edward VII, chapter 57, provision was made in regard to the controlling of the rates and facilities of ocean cable companies. This provided that the word "telegraph" included "wireless telegraph and marine electric telegraph or cable." The Act provided as follows:—

"4. Paragraph (d) of subsection 2 of section 5 of the said Act is amended by adding at the end thereof the words 'and shall include messages transmitted from Canada to any other country by means of any marine electric telegraph or cable line; or, to Canada from any other country by the like or similar means; or, through or into or from any part of Canada by means of any marine electric telegraph or cable lines acting in conjunction with land lines or by land lines acting in conjunction with marine electric telegraph or cable lines, by means of a through rate or otherwise;"

and then set out that the Act was to come into force upon similar provision being made by the proper authority in the United Kingdom and upon Proclamation of the Governor in Council.

This legislation is covered by section 376 of the Railway Act to which reference is later made.

By subsection 29 of the interpretation section of the Railway Act of 1919 it is

provided that telegraph includes wireless telegraph.

Section 375 of the Railway Act of 1919 confers jurisdiction dealing with telegraph and telephones. This section deals *inter alia* with the matter of joint rate arrangements. Under subsection 10 provision is made for a situation where

(a) The telephone system is used or connected with the telephone system

operated by any other company (i.e., Dominion Company).

(b) Where the telephone company is used or connected with the telephone system operated by any province, municipality or corporation, the authority in the latter instance not being derived from the Parliament of Canada.

The subsection then provides that whether the connection or communication has been previously, or is hereafter established either by agreement of the parties or under an order of the Board, that the provisions of the Railway Act in respect of joint

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tariffs shall apply in so far as applicable and not inconsistent with the provisions

of the Special Act.

Although by subsection 4 provision had already been made that all telegraph and telephone tolls might be dealt with in the same way as standard freight tariffs, and that all the provisions of the Act except as to publication, should, in so far as applicable, and not inconsistent with the provisions of this section, apply to telegraph and telephones, and although under subsection 12 provision is made as to the sections applicable to telegraph and telephones, including therein the joint tariff sections, the it was found necessary under subsection 10 to specifically provide that the joint tariff sections should apply.

In terms of what is set out under subsection 12, the joint tariff sections not sing exampled would, therefore, apply to telegraph and telephone companies operating under Dominion charter. The especial provision contained in subsection 10 is apparently due to the belief that without special mention the joint tariff sections would not apply to telephone companies which were not under Dominion charters.

Subsection 11 of section 375 provides as to agreements between (a) a telegraph I to plane company and any other company (that is a Dominion Company); (b) colour ph or telephone company and a province, municipality or corporation having duthority to construct or operate a telegraph or telephone system under authority not darmed from a Domini n charter; and it provides for submission of said agreements to the Board for approval.

The two subsections thus relate to conditions in Canada existing between Dominion companies, or between a Dominion Company and a company obtaining

its charter rights from the Provincial jurisdiction.

Walle subsection 10 provides inter alia for the application of the joint rate section a because a Dominion and a Provincial telephone company, it is to be noted that to the such provision under subsection 11 as between a Dominion and a provinof felegraph company. While under subsection 10 the provincial company may application for joint rates, it is to be noted that there is no machinery provided whereby a provincial telegraph company may do so.

Section 376 of the Railway Act of 1919 takes the place of 9-10 Edward VII. chapter 57. Section 376 also carries the provision that it is to become operative on

The section provides that telegraph includes marine electric telegraphs and caples. As already indicated the interpretation section provides that telegraph includes wireless.

Parliament has in legislating on telephone matters provided that on an application for joint rates a company not chartered by the Parliament of Canada shall were a status to make such an application. At the same time, it does not confer any such jurisdiction where telegraph companies operating under different jurisdictions are concerned.

In the case of transoceanic telegraphy involving a separate and distinct jurisdiction It would also appear that in the absence of an express provision the Board has not power under the joint rate section to deal with a joint rate which would involve a combination of transoceanic telegraphy with a land line. The transoceanic telegraphic existent has no status under the Railway Act enabling it to invoke the provisions of the joint tariff sections.

Section 376 provides for a co-operative handling of traffic by a marine electric religraph or cable line in conjunction with a land line by means of a through rate or otherwise. Whatever be the standing of the cable company in respect of invoking the joint rate sections, it cannot do so until section 376 becomes operative. I am of the opinion that transoceanie wireless telegraphic communication is in the same position under the Railway Act.

# APPENDIX B

# REPORT OF THE CHIEF TRAFFIC OFFICER OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1920

Sir,—I have the honour to submit, for the sixteenth annual report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph and sleeping and parlour-car schedules filed with the Board from November 1, 1904, when by order of the Board, under the Authority of section 311 of the Railway Act, 1903, the railway companies commenced filing their tariffs, to December 31, 1919; and from January 1, 1920, to December 31, 1920, inclusive; also, of the more important orders relating to traffic issued by the Board to December 31, 1920:—

# SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING DECEMBER 31, 1919

Freight—         12,954           Supplements.         27,411	40,365	
Joint tariffs		
International tariffs.         114,181           Supplements.         352,624	113,016	
	466,805	620,186
Passenger—         13,900           Local tariffs.         13,900           Supplements.         18,034	31,934	
Joint tariffs	30,660	
International tariffs.         22,436           Supplements.         44,747	67,183	
		129,777
Express— Local tariffs. 5,867 Supplements. 55,567	61,434	
Joint tariffs	26,469	
International tariffs	5,487	
Telephone—		93,390
Local tariffs. 2,252 Supplements. 1,326	3,578	
Joint tariffs	18,487	
International tariffs	10,144	
Telegraph— Tariffs		32,209
Supplements. 160	313	313

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SCHEDULES	TO THANK	FROM NOT	EMBER 1.	1904,	TO AND	INCLUDING
		EMBER 31				

Local tains	132 153 285
International tariffs	80 157 — 237 178 519
Combined totals, all schedules	697 1,219 877,094

SCHEDULES RECEIVED FROM JANUARY 1, 192 DECEMBER 31, 1920	0, TO ANI	INCLUD	ING
Freight— Local tariffs Supplements	1,638 2,798		
Joint tariffs	3,334 8,895	4,436	
International tariffs	5,632 19,659	12,229 25.291	
Passenger—		. 20,231	41,956
Local tariffs	1,430 1,675	3,105	
Joint tariffs	1,697 2,281	3.978	
International tariffs	3,442 7,085	10,527	
Express—			17,610
Local tariffs	48	495	
Joint tariffs	352	. 379	
International tariffsSupplements	91 1,182	1,273	
Telephone— Local tariffs.			2,147
Joint tariffs	151 476 ———————————————————————————————————	627	
International tariffs.	4,932	5,050	
Supplements	• • • •		E 0.00
Telegraph— Tariffs	16		5,677
Supplements	23	20	

# SCHEDULES RECEIVED FROM JANUARY 1, 1920, TO AND INCLUDING DECEMBER 31, 1920—Concluded

Local tariffs	49	
Joint tariffs	40	
Supplements	66	
International tariffs		
distribution of the state of th	109	2
Combined totals, all schedules		67,0 944.

Summary of Traffic Orders of General Interest issued during the Year ended December 31, 1920 \*

General Order No. 278, January 3, 1920.—Approves tariffs of express companies as filed with the Board.

General Order No. 279, January 5, 1920.—Requires the Canadian Freight Association, on behalf of railways subject to the Board, to restore rates on fresh fruits from Ontario and Quebec points to Winnipeg, Portage la Prairie and Brandon. Man., to the basis prescribed in order of the Board dated October 10, 1904, as increased by General Order No. 212, dated January 5, 1918, Order in Council P.C. 1863, dated July 27, 1918.

No. 29231, January 9, 1920.—Requires the Canadian Freight Association, on behalf of railways subject to the Board, to reinstate export rates to Seattle, and Tacoma, Wash.

No. 29263, January 10, 1920.—Approves Standard Freight Tariff C.R.C. No. 84 of the Fredericton and Grand Lake Coal and Railway Company.

No. 29264, January 10, 1920.—Approves Standard Mileage Freight Tariff C.R.C. No. 51 of the New Brunswick Coal and Railway.

No. 29267, January 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Barrie-Angue Telephone Company, operating in the county of Simcoe, Ont.

No. 29280, January 16, 1920.—Requires a reduction in the classification of electric light bulbs, l.c.l., from two times first-class to one and one-half times first-class.

No. 29281, January 16, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Heath Head and Grey Telephone Company, operating in the county of Grey, Ont.

No. 29293, January 23, 1920.—Approves Standard Freight Mileage Tariff C.R.C.

No. 1 of the Toronto Suburban Railway Company.

No. 29309, January 26, 1920.—Authorizes railway companies to increase the charge for lining cars used for the carriage of flaxseed in bulk from \$3 to \$4 per car.

No. 29313, January 28, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Sydenham Union Telephone Company, operating in the county of Grey, Ont.

No. 29323, January 30, 1920.—Approves Standard Passenger Tariff C.R.C. No.

4 of the New Brunswick Coal and Railway.

No. 29328, February 2, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the New Glasgow Telephone Company operating in the county of Elgin, Ont.

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No. 29357, February 10, 1920. Approves agreement for interchange of telephone - ryjee between the Bell Telephone Company and the Brougham and Grafton Telephone Company, operating in the county of Renfrew, Ont.

No. 29360, February 10, 1920, -- Approves agreement for interchange of telephone service between the Bell Telephone Company and the East Woodville Telephone

Company, operating in the county of Victoria, Ont.

N. 29370, January 30, 1920. Approves Standard Passenger Tariff C.R.C. No.

4, of the Fredericton, and Grand Lake Coal & Railway Company.

No. 29398, February 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Goulais Bay Telephone Company, operating in the district of Algoma, Ont.

No. 29909, February 23, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Greenwood Telephone Associa-

tion, Limited, operating in the district of Algoma, Ont.

No. 20400, February 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Mornington, operating in the county of Perth, Ont.

General Order No. 284, March 8, 1920.—Permits an increase in the charge for

the use of refrigerator cars.

No. 20426, March 2, 1920. Reduces the classification of road graders from double first-class to one and one-half times first-class.

General Order No. 286, March 4, 1920.—Approves tariffs of telephone companies as filed with the Board.

No. 29459, March 9, 1920,--Approves agreement for interchange of telephone service between the Bell Telephone Company and the Pleasant View Telephone Company, operating in the county of Grey, Ont.

No. 29467, March 17, 1920. - Approves Supplement No. 1 to Standard Passenger

Tariff C.R.C. No. 1 of the Ottawa Electric Railway Company.

General Order No. 287, March 22, 1920.—Amends regulation governing cylinders

containing acetylene gas to be shipped by freight.

No. 29496, March 21, 1920. Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bethesda and Stouffville Telephone Company, operating in the counties of York and Ontario, Ont.

No. 20127. March 24, 1920.—Approves agreement for interchange of telephone ervice heiween the Bell Telephone Company and the Schright Telephone Company,

operating in the counties of Victoria and Ontario, Ont.

No. 29498, March 24, 1920.—Approves agreement for interchange of telephone ervice between the Bell Telephone Company and the East Grey Telephone Company, operating in the county of Grey, Ont.

No. 2,499, March 24, 1920. Approves agreement for interchange of telephone service between the Bell Telephone Company and the Derby Telephone Company

operating in the county of Grey, Ont.

No. 20107. Marci. 24, 1920. Approves agreement for interchange of telephone service to tween the Bell Telephone Company and the Lake Megantic Pulp Company, operating from the village of Milan to Pond Siding, in the county of Compton, Que.

No. 29512, April 1, 1920.—Prescribes bases for commutation fares.

No. 29523, April 3, 1920.—Approves agreement for interchange of telephone our log lietween the Bell Telephone Company and the La Compagnie de Telephone St. Camillo, operating in the counties of Welfe, Richmond and Sherbrooke, Que.

No. 20524, April 7, 1920. Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ardtrea Telephone Company

operating in the county of Simcoe, Ont.

General Order No. 290, April 12, 1920.—Approves regulations to govern the issue and recording of free transportation by railway companies and make such regulations apply in so far as they are applicable to free transportation issued by express, telegraph and telephone companies.

No. 29528, April 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Victory Telephone Company,

operating in the counties of Grey and Bruce, Ont.

No. 29529, April 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the La Compagnie de Telephone de Warwick, operating in the counties of Drummond and Arthabaska, Que.

No. 29530, April 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company, and the Sandwich West Co-operative

Company, operating in the County of Essex, Ont.

No. 29532, April 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ayr Rural Telephone Company, operating in the counties of Waterloo, Brant, and Oxford, Ont.

No. 29550, April 19, 1920.—Prescribes fares to be charged by the Ottawa Electric

Railway Company.

No. 29557, April 20, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Manse Grove Telephone Association, operating in the county of Victoria, Ont.

General Order No. 292, April 22, 1920.—Approves tariffs of various railway com-

panies increasing Standard Maximum Tariffs of Sleeping and Parlor Car Tolls.

No. 29571, April 26, 1920.—Authorizes the Montreal and Southern Counties

Railway Company, to increase its passenger tariff by twenty per cent.

No. 29574, April 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the La Compagnie de Telephone de Notre Dame de Ham, operating in the county of Wolfe, Que.

No. 29580, April 28, 1920.—Approves Standard Passenger Tariff C.R.C. No. 24

of the Montreal and Southern Counties Railway Company.

No. 29581, April 27, 1920.—Approves with certain exceptions Supplement No. 2

to Express Classification for Canada No. 4.

No. 29583, April 27, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Pioneer Telephone Company. operating in the county of Oxford, Ont.

No. 29585, April 16, 1920.—Approves Supplement No. 13 to Canadian Freight

Classification No. 16.

General Order No. 294, April 30, 1920.—Prescribes increased allowance for car

doors furnished by shippers.

No. 29604, April 30, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bobcaygeon Rural Telephone Company, operating in the counties of Victoria and Peterborough, Ont.

No. 29605, April 30, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ingleside Telephone Company.

operating in the county of Oxford, Ont.

No. 29606, April 30, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Spring Creek Telephone Company, operating in the county of Oxford, Ont.

No. 29620, May 12, 1920.—Approves Standard Passenger Tariff C.R.C. No. 1 of

the Woodstock, Thames Valley and Ingersoll Electric Railway Company.

No. 29624, May 6, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Jackson Telephone Company, operating in the county of Grey, Ont.

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No. 29625. May 6, 1920.—Approves agreement for interchange of telephone rivies between the Bell Telephone Company and the Molesworth Independent Telephone Company, operating in the counties of Perth and Huron, Ont.

No. 20020. May 10, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Central Dufferin Telephone

Association, Limited, operating in the county of Dufferin, Ont.

No. 20000. May 10, 1920.—Approves agreement for interchange of telephone services because the Bell Temphone Company and the Penhurst Telephone Company, operating in the county of Oxford, Ont.

Glober Order No. 296, May 15, 1920.—Approves regulations for the transportation by express of acids, inflammables, etc., and requires the carriage of laboratory

samples of explosives.

No. 2009, May 21, 1920. Approves Standard Freight Tariff C.R.C. No. E-115

of the Canadian National Railways (Halifax & Southwestern Division).

General Order No. 298, June 2, 1920.—Prescribes forms of contract for the carriage of live stock by freight.

No. 29697, June 2, 1920.—Approves agreement for interchange of telephone cervice between the Bell Telephone Company and the Mississippi Telephone Company, operating in the county of Lanark, Ont.

No. 29700, June 2, 1920.—Approves agreement for interchange of telephone serving ledwent the Bell Telephone Company and the Fraser Telephone Company.

operating in the county of Oxford, Ont.

N. 2001. June 2, 1920.—Approves agreement for interchange of telephone serves between the Bell Telephone Company and the South Diagonal Telephone Company, operating in the county of Grey, Ont.

No. 29708, June 2, 1920.—Approves agreement for interchange of telephone company, and the Falkirk Telephone Company,

operating in the county of Middlesex, Ont.

General Order No. 299, June 5, 1920.—Approves Telegraph tariffs of advanced tates in Canada and to points in the United States to become effective June 14, 1920.

No. 20720, June 8, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Riverside Telephone Company, operating in the county of Oxford, Ont.

No. 20721, June 8, 1920.—Approves agreement for interchange of telephone sorvice between the Bell Telephone Company and the Brant Telephone Company,

operating in the county of Bruce, Ont.

N. 407.02, June S. 1920. Approves agreement for interchange of telephone service between the Bell Telephone Company and the Admaston Rural Telephone Association, operating in the county of Renfrew, Ont.

No. 22733. June 9, 1920. Approves agreement for interchange of telephone service between the Bell Telephone Company and the Port Hope Telephone Company,

operating in the county of Durham, Ont.

No. 29734. June 10, 1920.—Approves agreement for interchauge of telephone sorvice is tween the Bell Telephone Company and the Dunsford Telephone, Light & Power Co-operative Association, operating in the county of Victoria, Ont.

No. 20738. June 12, 1920.—Approves agreement for interchange of telephone company, and the Point Mara Telephone Company.

operating in the county of Ontario, Ont.

No. 20745. June 11, 1920.—Approves agreement for interchange of telephone server to tween the Bell Telephone Company, operating in the county of Ontario, Ont.

No. 29749, June 15, 1920. Approves agreement for interchange of telephone sections aware the Bell Telephone Company and the Dingwall Telephone Company, operating in the county of Oxford, Ont.

No. 29768, June 18, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Osprey, operating in the county of Grey, Ont.

No. 29786, June 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lanark & Carleton Counties

Telephone Company, operating in the counties of Lanark and Carleton, Ont.

No. 29787, June 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Excelsior Telephone Company, operating in the county of Oxford, Ont.

No. 29790, June 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mapleshade Telephone Company,

operating in the county of Oxford, Ont.

No. 29791, June 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Goodwood Rural Telephone Company, operating in the counties of Lanark and Carleton, Ont.

No. 29797, June 25, 1920.—Approves increased rates published in Western Union

Telegraph Company's Tariff C.R.C. No. 8, to become effective June 28, 1920.

No. 29806, June 24, 1920.—Approves Supplement No. 2 to Northern Pacific

Standard Tariff of Maximum Parlour Car Tolls C.R.C. No. S-6.

No. 29811, June 26, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the North Renfrew Telephone Company, operating in the county of Renfrew, Ont.

No. 29813, June 28, 1920.—Approves Standard Passenger Tariff C.R.C. No. 5

of the Cumberland Railway and Coal Company.

No. 29814, June 28, 1920.—Approves Standard Freight Mileage Tariff C.R.C. No.

10 of the Cumberland Railway and Coal Company.

No. 29817, June 29, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Fairview Telephone Company, operating in the county of Oxford, Ont.

No. 29849, June 30, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Hogg & Lytle, Limited, oper-

ating in the county of Victoria, Ont.

No. 29852, July 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Birch Lake Telephone Company, operating in the district of Sudbury, Ont.

No. 29854, July 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Desboro Telephone Company,

operating in the county of Grey, Ont.

No. 29855, July 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Oro Telephone Company, operating in the county of Simcoe, Ont.

No. 29864, July 17, 1920.—Approves Standard Passenger Tariff C.R.C. No. 1

of the Toronto Suburban Railway Company.

No. 29865, July 10, 1920.—Prescribes students or scholars commutation rates for the Toronto Radial and the Brantford and Hamilton Electric Railway Companies.

No. 29899, July 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Rose Telephone Company, operating in the district of Algoma, Ont.

No. 29903, July 20, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Rydal Bank-Plummer Telephone

Company, operating in the district of Algoma, Ont.

No. 29904, July 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Eldon Union Telephone Association, operating in the counties of Victoria and Ontario, Ont.

No. 1998. July 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Zorra Telephone Company, operating in the county of Oxford, Ont.

No. 20031, July 27, 1920.—Approves agreement for interchange of telephone service between the Refl Telephone Company and the Montreal (Ontario) Telephone

Company, operating in the county of Ontario, Ont.

No. 2004, July 37, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Aberdeen, Plummer, Centre Line Telephone Association, operating in the district of Algoma, Ont.

No. 29952, July 31, 1920.—Approves agreement for interchange of telephone service between the Ball Telephone Company and the Back Line Telephone Company,

operating in the county of Dufferin, Ont.

No. 29953, July 31, 1920.—Approves agreement for interchange of telephone service between the Pell Telephone Company and the South Norfolk Telephone Company, operating in the county of Norfolk, Ont.

No. 29962, July 31, 1920.—Approves agreement for interchange of telephone serviced by the Bell Telephone Company, and the Halton Telephone Company,

operating in the county of Halton, Ont.

No. 29978, August 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Colone North, operating the Colohester North Municipal Telephone System, in the county of Essex, Ont.

General Order No. 303, August 13, 1920.—Authorizes, with the exception of coal and coke, increases in the Canadian proportion of International freight rates in both directions to the same extent as rates were increased within the United States, effective on and after August 26, 1920.

No. 29984, August 13, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the New Dundee Rural Telephone

Company, operating in the counties of Waterloo and Oxford, Ont.

No. 29987, August 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bexley Telephone Company, operating in the county of Victoria, Ont.

No. 29991, August 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Δrundel Development Company,

operating in the counties of Terrebonne, Argenteuil and Ottawa, Que.

No. 29992, August 14, 1920.—Approves agreement for interchange of telephone saving between the Bell Telephone Company and the Rutherglen Rural Telephone

Company, operating in the district of Nipissing, Ont.

No. 30002, August 16, 1920.—Approves agreement for interchange of telephone service before a tre E. I. Telephone Company and the Corporation of the Township of Dover, operating a telephone system known as the Dover Municipal Telephone System, in the county of Kent, Ont.

General Order No. 304, August 19, 1920.—Permits increases in export freight rates to Atlantic ports from stations in Canada so as to preserve the relationship between the export rates from points in the United States. Such increased rates to

become effective on and after August 26, 1920.

No. 31047. August 28, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Chapeau Rural Telephone

Company, operating in the county of Pontiac, Que.
No. 5003. September 3, 1920. - Approves conditions governing the acceptance of

messages for the United Kingdom routed via Marconi Wireless.

General Order No. 508, September 9, 1920.—Authorizes a general increase in freight rates on steam railways of 40 per cent in Eastern Canada and 35 per cent in Western Canada until January 1, 1921, when the increase in Eastern Canada is to be

35 per cent and in Western Canada 30 per cent. No increase allowed on crushed stone, sand and gravel. An increase of 10 per cent on cordwood for fuel and varying rates per ton on coal from 10 cents to 20 cents.

General Order No. 309, September 9, 1920.—Approves the Standard Freight and Passenger Tariffs of various railways filed under permission of General Order No.

308.

General Order No. 310, September 15, 1920.—Approves the Standard Freight and Passenger Tariffs of various railways filed under permission of General Order No. 309.

No. 30122, September 21, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Peerless Telephone Company, operating in the county of Oxford, Ont.

General Order No. 311, September 23, 1920.—Approves Standard Freight Tariffs

of various railways filed under permission of General Order No. 308.

No. 30138, September 24, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bromley Telephone Association,

operating in the county of Renfrew, Ont.

No. 30142, September 25, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Farmers Telephone Company, operating in the counties of Chateauguay, Huntingdon, Beauharnois, and St. Johns, Que.

No. 30164, October 4, 1920.—Approves supplement No. 2 to Standard Passenger

Turiff C.R.C. No. 214 of the Maine Central Railroad Company.

No. 30178, October 4, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bonfield Telephone Company operating in the district of Nipissing, Ont.

No. 30179, October 4, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township

of Emily, operating in the county of Victoria, Ont.

No. 30216, October 12, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Ennismore, operating in the county of Peterborough, Ont.

No. 30231, October 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Forest Home Telephone

Company, operating in the county of Simcoe, Ont.

No. 30234, October 14, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Le Telephone Somerset (Incorporée), operating in the county of Megantic, Que.

No. 30237, October 21, 1920.—Approves Dominion Atlantic Railway Company's

Form of release from liability for damage by frost.

No. 30238, October 21, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Brockville Road Rural Telephone Company, operating in the county of Leeds, Ont.

No. 30241, October 21, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Village of

Blyth, operating in the county of Huron, Ont.

No. 30274, October 27, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the R. H. Edgar (Edgar Telephone System), operating in the county of Dufferin, Ont.

No. 30284, November 1, 1920.—Approves Supplement No. 1 to Standard Passenger

Tariff C.R.C. No. 5 of the Cumberland Railway and Coal Company.

No. 30285, November 1, 1920.—Approves Supplement No. 1 to Standard Freight Mileage Tariff C.R.C. No. 10 of the Cumberland Railway and Coal Company

Vo. 2003. N vondor 1, 1970. Approves agreement for interchange of telephone source between the Bill Televisine Company and the Corporation of the Township I I'vendinaga, operating in the county of Hastings, Ont.

No. 304 S. Nov. albor S. 1920. Approves agreement for interchange of telephone survive a common the Bell Telephone Company and the Ben Allen Telephone Company,

operating in the county of Grey, Ont.

Vo. and No. No. only to togo. Approves Standard Freight Mileage Tariff C.R.C.

Nor D. E. of the Western Canada Power Company (Stave Lake Railway).

No. mems. Navember 9, 1920.—Approves agreement for interchange of telephone service between the Bell Te college Company and the Corporation of the Township of Brooke, operating in the counties of Lambton and Middlesex, Ont.

No. 30313, Navanter 9, 1929. - Approves agreement for interchange of telephone sale of the Bell Telephone Company and the Centre Thorah Telephone

Association, operating in the county of Ontario, Ont.

No. 1942, Mirender 18, 1920,-Approves agreement for interchange of telephone survive Telephone Company and the Bond's Corners Telephone Company, operating in the county of Oxford, Ont.

No. 1998, November 16, 1929.—Approves agreement for interchange of telephone out is were the Bell Telephone Company and the Omemee Telephone Company.

operating in the counties of Victoria and Durham, Ont.

No. 30371, November 26, 1920.—Approves agreement for interchange of telephone erain when the Bell Temphore Company and the South McNaughton Telephone Company, operating in the county of Renfrew, Ont.

Am 190270, November 29, 1920. -Approves Supplement No. 1 to Standard Freight Million Family C.R.C. No. 132 of the British Columbia Electric Railway Company.

General Order No. 319, November 30, 1920.—Declares proper charge for millinga single wham Canada of grain, the product of which is re-shipped to the United States, was 1 cent per 100 pounds on and after August 26, 1920.

in. 19682. Navender 30, 1920. Approves Standard Passenger Tariff C.R.C. No.

42 of the Chatham, Wallaceburg and Lake Erie Railway Company.

No. 30383, November 30, 1920.—Approves Supplement No. 1 Standard Freight Who are Tarlif C.R.C. No. 576 of the Chatham, Wallaceburg and Lake Erie Railway Company.

No. 30002. November 30, 1920. -Approves Standard Freight Mileage Tariff C.R.C.

No. 269 of the Windsor, Essex and Lake Shore Rapid Railway Company.

No. 20100. To simble 2, 1920. —Approves Supplement No. 1 to Standard Passenger Tariff C.R.C. No. 8 of the British Columbia Electric Railway Company.

General Order No. 320.—Requires express companies to carry pasteurized cream

at the same rate as in effect for ordinary cream.

No. 2013 December 9, 1920.—Approves agreement for interchange of telephone section - wrong the Bell Telephone Company and the O'Connell-Rathburn Telephone Company, operating in the county of Ontario, Ont.

N. 70 and December 9, 1920.—Approves agreement for interchange of telephone 

operating in the district of Sudbury, Ont.

Approves agreement for interchange of telephone men to be be the Bell Telephone Company and the Air Board, operating in the county of Simcoe, Ont.

Grand Order No. 323, December 14, 1920.—Approves Supplements to Standard l'assenger Tariff of various railways to become effective January 1, 1921, on the reduced basis prescribed by General Order No. 308.

Goveral Order No. 324, December 14, 1920.—Approves reduced Standard Freight Mileage Tariffs to become effective January 1, 1921, on the basis prescribed by Gennin Order No. 508.

No. 30438, December 14, 1920.—Approves Standard Passenger Tariff C.R.C. No. 6, of the Cumberland Railway and Coal Company.

No. 30446, December 17, 1920.—Prescribes the basis for rates on fish, carloads,

by express from Riverton and Gimli, Man., to stations in the United States.

No. 30456, December 16, 1920.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Purbrook and Fraserburg Telephone Company, operating in the district of Muskoka, Ont.

No. 30483, December 21, 1920.—Approves agreement for interchange of telephone Service between the Bell Telephone Company and the La Compagnie de Telephone

Locale de D'Israeli, operating in the county of Wolfe, Que.

I have the honour to be, sir, Your obedient servant.

J. HARDWELL,

Chief Traffic Officer.

# APPENDIX "C"

# REPORT OF THE OPERATING DEPARTMENT FOR THE YEAR ENDING DECEMBER 31, 1920

March 8, 1921.

DEAR SIR:—I have the honour to submit herewith, for the Board's Sixteenth Antiques and the submit of the Operating Department during the twelve months ending December 31, 1920.

REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OR LOSS OF LIFE

During the twelve months accidents to the number of 2,093, covering 254 persons killed and process influed were reported to the Board by the various railway companies under its jurisdiction. For particulars, attention is directed to statements 1, 3 and 4.

A perusal of statements Nos. 2, 5 and 6, which are comparative statements of the killed and injured, as between passengers, employees and others; class of accident that the land statements of the killed and second at persons killed and second injured over the

preceding nine months.

Out of a total of 2,093 accidents reported, as above referred to, 1,344 were investigant and the interpolation made as regards collisions, derailments, highway erossing accidents, also accidents the result of working on or under engines. These four statements show a total of 519 investigations covering 106 persons killed and 841 persons killed and 765 persons injured, are spread over accidents covered by the various other headings referred to in statements Nos. 3, 4 and 5.

It wall be also red that one of the total of 254 persons killed and 2,330 injured, the statement No. 15 which shows the number killed and injured by

railways and provinces

The matter of highway crossing accidents, protection provided, etc., is set out in

detail in statements Nos. 3, 4, 5, 9, 11, 12, 13, 14 and 15.

It is pointed out that the number of accidents at highway crossings involving automobile traffic is on the increase. A perusal of statement No. 15 shows that there have been 32 around its in this respect between April 1, 1916, and December 31, 1920, made up as follows: 36 in 1917, 54 in 1918, 66 in 1919, 60 in 1919 (9 months period), and 116 in 1920.

#### INSPECTION OF SAFETY APPLIANCES

The work in this connection is largely carried on under the provisions of section 2:8 of the Act and General Order No. 102. The year's work is set out in detail in statements Nos. 19, 20, 21A and B. It is needless to say that the inspection of 66,108 cars entails emislerable time and labour, both as regards field work, and the resultant chapting, a conding and alling of the numerous reports, in addition to the correspondence of the defects are understanded in the laws of the defects remedied. The inspection of 66,108 cars produced 3,135 defective cars (4.74 per cent) with defects totalling 3,770.

## INSPECTION OF MOTIVE POWER

This division of the work embraces the entire locomotive and tender, and is carried out under sections 298, 209, 300 and 301 of the Railway Act and General Orders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199, 226, 289 and 293.

Under General Order No. 78, the so-called "Boiler Inspection Order," some common report forms comprising the monthly and annual inspections of locomotive

boilers and appurtenances were filed during the year.

During the year locomotives to the number of 9,146 were inspected with defective engines totalling 1,235 (13 per cent) and total defects of 1,518. For details reference is made to statement No. 22.

The cheeking and recording of the above mentioned forms and reports, together with the correspondence involved, naturally creates an extensive line of work.

# INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

APPLICATIONS AND COMPLAINTS RE TRAIN AND STATION SERVICE, HIGHWAY CROSSING PROTECTION, STATION LOCATIONS, CAR SUPPLY, ETC., ETC.

The work under this heading covers a wide range of subjects, and entails, in many instances, a considerable amount of inquiry and research. During the year complaints and applications numbering in the neighbourhood of 1,000 were inquired into and reported upon.

In conclusion it might be stated that in order to accomplish the work briefly outlined above it has necessitated the travelling of the staff of this department, approximately, 400,000 miles.

Yours faithfully,

Mr. A. D. Cartwright, GEO. SPENCER, Chief Operating Officer.

Secretary, B.R.C.

No. 1.—Statement showing number of passengers, employees and others, killed and injured on the various railways in Canada, under the Board's jurisdiction, for the twelve months ending December 31, 1920.

Name of Railway	Passe	engers	Emp	loyees	Otl	ners	To	tal
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Pere Marquette. Quebec Oriental. Esquimalt and Nanaimo.	1	2 2 3 1 1 4 5	1 2	558 261 596 8 3 10 11 4 4 	47 666 24 4 1 1 1 4 4 5 1 2 2 2 1	147 122 72 3 3  2 2 2 4 4 1 5  1 2  2 3 3 3 5  2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1	70 110 43 1 1 1 1 1 7 1 1 3 3 1 1 1 7	866 509 732 14 3 10 10 2 5 16 13 37 1 1 2 1 1 2 3 3 3 3 3 3 3 3 3 3 3 3 3
	17	379	80	1,570	157	381	254	2,330

No. 2.—Comparative Statement of killed and injured during nine months ending December 31, 1919, and twelve months ending December 31, 1920.

	Passo	engers	Empl	oyees	Oth	ner s	То	
	K. ad	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Nine months ending Dec. 31, 1919.	4	274	91	951	128	277	223	1,502
Twelve months ending Dec. 31, 1920	17	379	80	1,570	157	381	254	2,330
Increase	13	105	11	619	29	104	31	828

No. 3.—Statement showing separately the number of passengers, employees and others killed and injured, and the nature of the accidents, for twelve months ending December 31, 1920.

	Passe	ngers	Empl	oyees	Oth	ners	То	tal
Character of Accidents	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Ocrailment		174	10	138	1	4	11	316
ollision, head-on		16		50				58
follision rear-end	8	31	2 2	25 41	4	2 3	14	4.
Collision in yard		1 1	Z	3				
Collision with cars standing four	1	1						2
switch		4		17				2
Collision at level (diamond) cross-		4					 	
bublic highway crossing protected		4						
by gates					6	14	6	1
Dublic highway crossing protected	. (			2	6	27	6	
by bell				4	0	2.		
by watchman			1		3	8	4	
ublic highway crossing unpro-	-1	1	i		20	164	52	1
tected					52	104	2	1
rivate crossing			1	4	72	116	73	1
Vorking on or under engine			3	232			3	2
discellaneous			1	293	6	20	7	3
Adjusting couplers, coupling and	1			101			6	1 1
uncoupling	n		. 6	101				
stations			. 9	8			9	
calling off hand car, motor o	r	1		10			1	
velocipede			. 1	49			1	
Hand car, motor, velocipede struck		. 1	6	42	1	. 1	6	
Crawling under cars				. 1				.]
Crawling between cars over cour	)-						2	
lers			. 1	8	1		. 4	
Passing between cars between couplers	П		2	3	1		. 2	
truck by cars standing foul					1			
Struck by switchstand, waterspou	t.		1					
mail crane, etc				. 43				
Crushed between cars and build ings, lumber piles, platforms, et	0			. 16				
1 v. tel of joromotive boiler					1			
Falling off passenger train	]			5		. 1	. 3	
lands off tender while handling	-6							
coal	000			2				
water				9				
Industrial				2 58	3		. 2	1

No. 3.—Statement showing separately the number of passengers, employees and others killed and injured, and the nature of the accidents, for twelve months ending December 31, 1920.—Concluded.

Character of Accidents	" Passe	engers	Emp	loyees	Ot	hers	To	otal
Onaraover of Accidents	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Riding on pilot or foot board of								
Overhead obstruction			2	16			2	16
Repairing cars on repair track when moved								
Falling off top of car			3	33			3	33
Falling between cars			3	46			. 3	53
Jumping off train in motion  Attempt to board train in motion		31	, .	. 30		1	4	62
Washout			1	30		2	1	57
Bridge gave way or destroyed by fire					1	2	1	2
Electrocuted						_		
Run down by engine or cars at stations or in yards	4	3	19	69	3	4	26	76
Passing too close around end of string of cars								
Caught in frog, guard rail, or switch								
Caught by engine or car while				3				3
throwing switch				4				4
Falling off side and end ladders of cars				23				23
Falling off car while working hand brake			2	* 29		. ,	2	29
Asphyxiated in tunnel								33
Handling freight and baggage Loading and unloading O.C.S.				33				
materialStaking or poling cars				36				36
Working in coal chute				8				8
Cars moved while being loaded or				13		2		15
Drawbridge open					,			
Carmen working on or under cars on running track when moved				16				16
Chaining and unchaining cars Coupling and uncoupling hose and				1				1
turning angle cock			1	12			1	12
	17	379	80	1,570	157	381	254	2,330

No. 1. Statement showing the character of accidents sustained by the persons killed and injured on the various railways under the jurisdiction of the Board for twelve months ending December 31st, 1920.

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Collision, head-on. Collision, rear-end. Collision, rear-end. Collision in yard. Collision with ears standing foul. Collision with ears standing foul. Collision with ears standing protected by gates Public highway crossing protected by gates Public highway crossing protected by bell. Fublic highway crossing protected by watchman Private crossing. View.	51 — 22 Americ Vistate	======================================	0 88 2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	\$#\$8-10040 Books	ω 4 · · · · · · · · · · · · · · · · · ·	A 2 2 4 2 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		6	: :		ंदिन	,			21			-	
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Struck by switchstand, waterspout, mail crane, etc	:	7	:	1	:	_	:	:	:	1			:	:	:	:	:		
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Industrial				:		1													:
Riding on pilot or foot board of engine	:	:	:	:	:														: :
Repairing curs on repair track when moved																	-	•	
Falling off top of ear.	:	:	:	7	- -	:	:	:	:	:									
Application of air brake.						: 00													:
Jumping off train in motion	:	-	:	:	:	-	:	:	-	:	-		:						
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Run down by engine or cars at stations or in yards			-	: :	: :	-		- prof					: :						
assing too close around end of string of cars	:	:	:	:		:	:	:		:				:	:				:
Passing too close around end of string of cars.  Caught in frog guard rail or switch rod.								: :		: :			1 :		: :				

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Ham but motter, velocipode struck by train fram ma under cents raw hig between ears over couplers		:					:									2 01	<del>+</del> -x
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Caught in frog, guard rail, or switch rod. Caught by engine or car while throwing switch.																	

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nd end	hile wo	unnel	and be	ading (	cars .	.hute	le being	J	on or u		hainin	oupling	J	
side a	car w	ed in t	freight	nd unle	poling.	n coal	ed whi	ge oper	orking		and unc	und une	Tota	
Falling off side and end ladders of cars	falling off car while working hand brake	hyxiat	ndling	Loading and unloading O.C.S. material	Staking or poling cars	Working in coal chute	Cars moved while being loaded or unloaded	Drawbridge open	Carmen working on or under cars on running track when	move	Chaining and unchaining cars	upling:		
Fal	Fal	Asi	Ha	I.05	Z.	No	Ca	Dr	Ca		Ch	Co		

No. 5.—Comparative Statement in totals of killed and injured during nine months omling Documber 31, 1919, and twelve months ending December 31, 1920.

		onths		onths		19	920	
Character of Accidents	13	)19	15	920	Increase		Dec	rease
	K.	I I.	K.	1 I.	K.	1 I.	K.	1 I.
Derailment	13	247	11	316		69	2	
Collision, head-on	4	85		66			4	
'ollision, rear-end	1	15	14	58	13	43		
'ollision in yard		21	2	45	2	24		
Collision with cars standing foul	2	20		21		3		
Tollision with cars account open switch Tollision at level (diamond) crossing	2	3		4		1	4	
Public highway crossing protected by gates	4	9	6	14	2	5		
Public highway crossing protected by bell	4	7	6	29	2	22		
Public highway crossing protected by watchman	4	9	4	8				
ublic highway crossing unprotected	36	138	52	164	16	26		
Private crossing	3	13	2	10			1	
Prespassing	64	68	73	120	9	52		
Working on or under engine	12	97 237	3 7	232 376	3	135	5	
Wiscellaneous	3	59	6	101	3	42	9	
Run down by engine or car between stations	0	00	9	8	9	8		
Falling off hand car, motor, or velocipede	5	49	1	49			4	
land car, motor, velocipede struck by train	7	8	6	44		36	1	
- Illia mile - i		1		1				
rawling between cars over coupleis		4	2	8	2	4		
Passing between cars between couplers	1	2	2	3	1	1		:
Struck by cars standing foul Struck by switch stand, water spout, mail crane, etc.	2	25		10		6	2	
rushed between cars and buildings, lumber piles,		40		43		18		
the factor of the cars and buildings, fulliber pites,		6		16		10		
xplosion of locomotive boiler								
'alling off passenger train	1	17	3	24	2	7		
'alling off tender while handling coal	1	3		2			1	
alling off tender while taking water		8		9		1		
ndustrial	3	18	2	58		40	1	
Riding on pilot or foot board of engine.	2	14	2	16		2		
Repairing cars on repair track when moved by		8		3				
engine		1						
alling on top of car	7	37	3	33			4	
diffing Detween cars	1	5	3	. 2	2			
Application of air brake	1	18		53		35	1	
umping off train in motion.	1	54	4	62	3	8		
Attempt to board train in motion.	1	31		57		26	1	
Bridge gave way or destroyed by fire			1	2 2	1	2 2		
The second secon			1	2	1			
Run down by engine or cars at stations or in yards.	27	41	26	76		35	1	
assing too close around end of string of cars								
aught in frog, guard rail, or switch rod		3		3				
aught by engine or car while throwing switch		2		4		2		
Billing OH Car while working hand broke		13		23		10		
		11	2	29	2	18		
landling freight and haggage	î	20		33		13	1	
Cauling and unloading () ( S. motomol	3	15		36		21	3	
11111				1		î		
Vorking in coal chute.		4		8		4		
ars moved while being loaded or unloaded		6		15		9		
armen working on or under cars on running track								
Wilen moved	1	2		1.0		1.4	-	
				16		14	1	
	1	3	1	12		9		
	5	36		14			5	
"" "" UNIVERSE OF A PROPERTY OF THE PARTY OF		4						
Building and repairing.	1						1	
	000	11 #00		10				
	223	1,502	254	2,330	73	905	42	
Increase	254 31	2,330					73	9
	0.1	828					31	8

No. 6.—Comparative Statement in totals of killed and injured during nine months ending December 31, 1919, and twelve months ending December 31, 1920.

			-						
		nths,		12 months,		12 months, 1920			
Name of Railway					Increase		Dec	rease	
	K.	I.	K.	I.	K.	I.	K.	I.	
Grand Trunk Canadian Pacific Canadian National Grand Trunk Pacific Quebec Central Toronto, Hamilton and Buffalo Grand River Brantford and Hamilton Esquimault and Nanaimo Michigan Central Quebec, Montreal and Southern Kettle Valley Algoma Central and Hudson Bay Windsor, Essex and Lake Shore Wabash New York Central Lake Erie*and Northern Vancouver, Victoria and Eastern Fère Marquette Maine Central Hamilton Radial British Columbia Electric Hull Electric Dominion Atlantic Napierville Jet Algoma Eastern Montreal and Southern Counties Central Vermont Quebec Oriental Midland	56 94 46 3 1 1 1 1 2 2 3 2 1 4 1 1 2 2 1 2 1 2 2 1 4 1 2 1 2 1 1 1 1	651 363 322 42  7 2 45 7 4 6 5 11 8 3 2 3  1,502 2,330	70 110 43 6 1 1 3 1 7 1 1 1 2 1 1 1 4	866 509 732 30  16 5 5 5 5 37 14 13 10 10 10 5 38 8  9 1 1 2 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 2 1 2 2 2 2 2 2 2 2 2 2 2 2 2	14 16 3 	215 146 410 	3 1 1 2 3 2 1 4 1 1	12 8 5 3 2 6 2	
Increase	31	828					31	828	

No. 7.—Square religious attended by personal injury investigated during the year ending December 31, 1920.

	File	D	ate	Railway	Place	Kil- led	In- jured
Υ	8298	Jan.	16	lepr	Chalk River Yard, Ont	1	3
Inv.	8302	Jan.	25	C.P.R	Corbeil, Ont., 2 miles east	9	21
6.6	8305		17	GTP	Regina Wye, Sask		2
6.6	e		1	CZB	Canora Sask Midland station, Ont	2	1
66	\$313	Jan.	14	G.T.R	Midland station, Ont		1 2
46	8316		1	C.P.R	Winnipeg Depot, Man		1
46	8322	Jan.	22	C X D	Madawaska, Ont		· 2
4.	8326 8331	Dec. Jan.	25	CXR	Rosetown, Sask		1
c	8337			CPR	Sudbury Yard, Ont.		2
	8342		1	C.P.R	Deux Rivieres, Ont. Welland, Ont. Jellicoe, Ont., 5½ poles west of east switch.  Dethune, Sask.		1
	83.52		15	M.C.R	Welland, Ont		l
6 =	8360	Dec.	18	C.N.R	Jellicoe, Ont., 5½ poles west of east switch		, 1
6.6	8361			C.X.R	South River, Ont.	1	
64	8366		2	C.P.R	Toronto Terminals, Cabin "C"		2
6.6	8372		4	G.T.R	South River, Ont		1
	8375	Feb.	1	C. I. R	North Bay Yard, Ont. Colebrook, B.C., Bridge 70, 1 mile south. Vancouver Yard, B.C.		1
+4	8411 8420	Nov. Jan.	7	L. L. & E	Vancouver Vard R C		1
6.6	8429		25	C.P.R	Brooks, Alta		1
+6	8484	Mar.	9	C.P.R	Pogamasing, Ont		1 2 7
				17. III.	The state of the s		
	S51S	Mar.	19	[G.T.R	Brighton, Ont., near station		1
5.6	8535		27	Ham. Rad.	Hamilton, Princess St		3
46	8548	Feb.	27	C.N.R	Mileage 157.6, Brazeau Subdivision, Alta		10
	8587	Mar.	6	C.X.R	Alexander Jct., Que., 1 mile west		2 2
	8632		17	G.I.R	Burlington Jct., Önt. Sudbury Yard, Ont. I rince Albert, Sask. Wallaceburg, Ont.		
	8633 8640	Feb.	19	C X R	Tringo Albort Sook		1 2
	8644	Mar.	11	PWR	Wallacaburg Ont		1
£.	8741		30	G.T.R	London Yard Ont		î
66	8749	May	8	C.P.R	London Yard, Ont. Spicer, Ont. Hamilton, Birch Avenue, Ont.		7
	8771		28	H.R.E	Hamilton, Birch Avenue, Ont		1
4.6	8777	May	10	C.P.R	Sherbrooke, Que. Smiths Falls, Ont. Hadlow, Que.		6
64	8784	May	21	C.P.R	Smiths Falls, Ont		1
46	8854	June	25	G.T.R	Hadlow, Que	1	10
6.6	8891 8907	June	10	G.I.R	Grimsby, Ont		1
46	8915	July May	91	G.T.R	Varior Vard Ort		1 2
4.6	8933	July	20	GTR	Port Hope Ont post of station		1
ee	8968		24	B & H	Yarker Yard, Ont. Port Hope, Ont., east of station. Langford Siding, Ont.		1
6.6	8997	July		C.P.R. & L.	angiora rang, ont		
				St. Rv	London, Ont., Richmond St		3
66	9025	Aug.	11	G.T.R	Ingersoll, Ont	. 3	
66	9031	June	26	G.N.R	White Rock, B.C.		4
15	9049 9052	Aug.	12	G.T.R	Ingersoll, Ont White Rock, B.C Turcot Yard, Que Vermillion Yard, Alta		1
		July	16	C.N.R	vermillion Yard, Alta		1
4.6	9097	July	8	CTR	Belleville Yard, Ont.		5
0.6	9107		16	C.N.R	Belleville Yard, Ont. Lake Joseph, Ont. Parry Sound, Ont. Woodstock, Ont., 2 miles east. St. George, Ont. White Otter, Ont. Canora, Sask		1 2 7
6.6	9117	Aug.	17	C.N.R	Parry Sound, Ont		7
b	9150	Sept.	14	G.T.R	Woodstock, Ont., 2 miles east.		i
4	9156	Sept.	1	G.T.R	St. George, Ont.		1
	9211	Aug.	19	C.X.R	White Otter, Ont		1
- 1	9277 9293	Sept.	28	(	Canora, Sask	4	2
	0-00.	Oct.	4	T. St. C. &	Thomald Out		10
66	9296	Oct	13	I F & V	Interville Ont		13
£ 6	9300	Oct.	11.	G.T.B	Toronto Ont		1
0.0	9303	Oct.	5	G.T.R.	Allandale, Ont		1
6.6	9312	Oct.	11	M.C.R	Windsor, Ont.		1
66	9318	Oct.	17	G.T.R	Sarnia, Ont		Î
66	9339	Oct.	16	C.N.R	Liverpool, N.S.		1
2.5	9352	Oct.	14	C.N.R	McKirdy, Ont		1
66	9385	Oat	7	CPP	Marian, Man		1
	9392	Oct	20	C P D	Thorold, Ont Lutesville, Ont Toronto, Ont Allandale, Ont Windsor, Ont Sarnia, Ont Liverpool, N.S McKirdy, Ont Indian Head, Sask Ondrift, Ont Broadview, Sask		1
44	9405	Nov.	6	C.I.R	Broadwign, Soals	1	
		. 101.	0	C.L IV	broadview, Sask		1

No. 7.—Statement showing collisions attended by personal injury investigated during the year ending December 31, 1920.—Continued.

File I	Pate	Railway	Place • •	Kil- led	In-
" 9549 Dec. " 9553 Dec. " 8913 July	19 C 1 C 5 C 20 G 21 C 21 C 22 C 25 C 14 G 2 H	P.R	Minnedosa, Man Outremont Yard, Que. Thorold, Ont., Pine Street Siding Silver Plains, Man Linwood, Ont. Vancouver, B.C Oakville, Ont. Lake Louise, Alta., 4 miles west Belleville Yard, Ont. North Transcona Yard, Man Melville, Sask Richmond Yard, Que Brantford, Ont., St. Pauls Subway Hamilton, Ont., Ottawa Street. Washago Diamond, Ont		18

No. STATEMENT showing derailments attended by personal injury investigated during the year ending December 31, 1920.

)	File	1)	ate	Railway	Place	Kil- led	In- jure
	8267	Doc	20	G.T.R	Merritton Yard, Ont		
īV.	8272	Dec.	11	C.N.R	Warden Man 4 noles south		
			26	C.P.R	Erodorieton let N B		
66		Jan.	1	C.N.R	Mechecho Alta		
10		Dec.	4	CNB	IN P 79 Kindersley Subdivision, Alta		
6.6		Dec.	3	C.N.R	Kylemore, Sask. Chua Chua, B.C., M.P. 90.9, Kamloops Sub		
10			29	C.N.R	Chua Chua, B.C., M.P. 90.9, Kamloops Sub		
(		Jan.	20	G.T.R	Campbellford, Ont., 24 miles west		
ć		Feb.	2	C.N.R	M.P. 97, near Brighton, Ont		
(		Feb.	21	G.T.R	M.P. 204, near South Powassen, Ont		
		Feb.	5	G.T.R C.N.R	Hespeler, 1½ miles South, Ont		
		Dec.	2		Howick, Que., 2 miles north		
		Feb.	19	G.T.R	Dalkeith, Ont., near water tank		
		Feb.	17	(1,1, IL	Coteau Jct., Que., Farm Crossing		1
	8439	reb.	16	(1) 11	Coteau oct., Que., Farm Crossing		
	8449	Jan.	27	C.N.R	Pinewood, Ont., M.P. 275½		
		Mar.	9	CNR	Ascalon Ont. & mile west. Mileage 19		
		Mar.	2	IC P.R	Megantic One.		
		Mar.	1.	C.P.R	Mileage 381, west of Metagama		
	5.34	1 1111	19	C.N.Ic.	Oba, Cal		
	85.5			C. P.R.	Gelleville, Ont		
	8528	Mar.	10	[G.T.P	Helleville, Ont Biggar Yard, Sask		
	8536	Jan.	21	IC. N. R.	Mileage 168 near Bucktown, N.S		
	8545	Mar.	6	C.P.R	Glenton, Que		
	35.15	111.	99	01,011,	Nervelle, Que		
	8547	Mar.		C.N.R	Mileage 234-6, near Belleville, N.S		
		Jan.	31	[C.N.R	Lytton, B.C		
	8556	Feb.	27	C.N.R	M.P. 369, Alta., 12 poles west, Calgary Sub		
	8566	April	3	G.T.R	Carthew, Ont		
			11	C.N.R	McGee, Sask		
	4 W.	1,01	-	1. N.R.	St. Wargarets, N.S		
	8591	April	13	C.N.R	Colbright Pit, Ont		
	8614	Mar.	24	G.T.P.	Irvine, B.C	1	
	50.11	Mor.	10	IC N D	Ladysmith, Man	1	
	8643 8649	Mar.	10	C N P	Ladysmith, Man	1	
	8652	Feb.	2	CNR	Summit Club, Que	1	
	N 18	Mar.	17	C.14.1	M. Anthon Chr.		
	8665	Anril	22	CPR	Mc Yrthur, Out Pincher Yard, Alta		
	8670		7	G.T.R.	Black water Jct., Ont		
		Hull	3	C. V.R.	Prestle Sish		}
	8719	May	5	[G,T.R	Persone, risk Paisley, Ont.		
	8723		15	IC.N.R	Crooked Lake Sask		
	8727	April	6	C.N.R	North Lake, Ont., 8 poles west		
	8746	April	19	IC.P.R	Potton Springs Que		
	8764	May	13	IC.P.R	Healey Ont		
	8797	May	23	IC.P. R	IGalt Ont		
	8806	May	22	IG.P.R	Roots N B		
			20	IC: N R	(Marox: R.C.	}	
	8851	May	10	C.P.R	Willow River, B.C. Lamoral, Alta.		
	8852	May	23	C.N.R	Lamoral, Alta		
				C.T.P	Mileage 24, Pembroke Sub., Ont.		
	8919 8904	July	18	C.N.R.	Mileage 24, Pembroke Sub., Ont		
	8937		15	C P P	Dufresne, Ont.		
	8938		8	GTP	Ingolf, Ont., 2.6 miles east.		
	8954	July	30	G.T.R.	Victoriaville, Que		
	8956	July	21	G.T.R.	St. Marys, Ont.		
	8973	April	25	C.N.R.	Kellys, Ont., ½ mile west		
	9016	July	10	C.P.R	Harling, Alta	1	
	9047	July	27	IG.T.P	Gainford Alta	1	
	9048	July	18	IV IV B	Gonor, Man.	1	
	9050	Aug.	11	[G.T.R	Waterville One		
	9069	July	23	IAC & HR			
	9071	Aug.			McGregor, Ont. Sudbury, Ont.		
		July					

No. 8.—Statement showing derailments attended by personal injury investigated during the year ending December 31, 1920.—Continued.

Fi	ile	D	ate	Railway	Place	Kil- led	In- jured
9 .	1128   1132   1132   1132   1132   1132   1135   1135   1171   1135   1171   1202   12288   12247   1262   1280   1280   13290   13290   13290   13329   1340   1354   1377   1387   1387   1387   1387   1355   1555   15517   15520   15517   15520   15552   15552   15561   1355   15552   15561   1365   1	Aug. Aug. Aug. Aug. Aug. Sept. Oct. Sept. Oct. Sept. Oct. Sept. Oct. Nov. Nov. Nov. Oct. Sopt. Oct. Oct. Oct. Oct. Oct. Oct. Oct. Oc	18 23 12 26 20 10 22 11 9 21 12 17 13 11 26 10 17 18 19 17 18 19 21 19 10 21 11 22 11 23 14 15 16 17 18 19 26 19 27 19 28 19 29 10 20 11 20 11 20 11 20 11 20 11 20 11 20 11 21 11 21 11 22 13 14 25 15 16 17 18 19 20 20 20 20 20 20 20	G.T.R. G.T.P. C.P.R. G.T.R. G.T.R. C.P.R. G.T.R. C.P.R. G.T.R. C.N.R.	Lorneville Jct., Ont. Tako, Sask. Abernethy, Sask Regina, Sask Windsor Mills, Que. Castleford, Ont. Hamilton, Ont. Georgetown, Ont. Labarthe, B.C. Aylmer, Ont. Makaroff, Man. Burlington Jct., Ont. Shawmere, Ont., 3·3 miles west. DeSales, Que. McAbee, B.C. Truro, N.S. Boutiliers, N.S. Long Lake, Ont. Pt. St. Charles, Que Azen, Ont., west of. Pogamasing, Ont.,2 miles east. York, Ont., ½ miles east. York, Ont., ½ miles east. Midsay, B.C., west of M.P. 85·1 Brantford, Ont. Rawdon Jct., Que., 1½ miles west. Pyramid, B.C. Jarvis, Ont. Vonda, Sask. M.P. 12, Lovett Subdivision, Alta. M.P. 3·5, Mountain Park Sub., Alta. Yamaska, St. Catherine Bridge, Que Windsor, Ont. Neepawa, Man.	1 1 2 2	2.2.2.
10	01					10	288

No. 9. Stati Mart showing highway evissing accidents attended by personal injury investigated during the year ending December

		11 GEORGE V, A. 1921
	Remarks	Automobile Pedestrians Pedestrians Pedestrians Horse and rig Automobile Automobile Horse and rig Pedestrian Inorse and rig Automobile Horse and rig Horse and rig Horse and rig Automobile Horse and rig Horse and rig Automobile Horse and rig Automobile Horse and rig Automobile Horse and rig
	Protection	Unprotected Gates Gates Charles Charle
	Killed Injured	- Гн. ноч Гнино принова по принова принова
	Killed	ee   e
	PLACE	Morritt, second exossing west of station. B.C.  Montreal, Que., Gamble Street.  Windsor, Ont., Gravel Road.  Rissemino. Ont., revising I mile west Consexille, Ont., revising east Lake Shore, Ont., Howard Road.  Comber, Ont., revising one mile south Montreal, Que., Road-banniere Street Frantion, Ont., Rabeigh Street Ayhner, Ont., Rabeigh Street Ayhner, Ont., Rabeigh Street North Ray, Ont., Golf Street Niagraz Falls, Ont., Victoria Avenue Singeras Falls, Ont., Victoria Street Corbyville, Ont., Rabeigh Street Since. Ont., Waterloo Street Corbyville, Ont., Brenton Street Corbyville, Ont., Huron Street Corbyville, Ont., Huron Street Corbyville, Ont., Huron Street Corbyville, Ont., Huron Street Corbyville, Ont., Fire Street Street Corbyville, Ont., Fire Street Corbyville, Ont., Fire Street Corbyville, Ont., Worham Street Layal Rapids, Que., Montral Terminals, Prince de Gallis Streat Street Cordit, Ont., Workam Street Layal Rapids, Que., Montral Terrestreet Corby, Ont., Westborfo Crossing at mileage I Street Layal Rapids, Out., Fire Street Corby, Ont., Wellington Street Corbinisten, Ont., Rist crossing west. Coreal, Ala., first crossing west.
	Railway	ACRETOCROPHORACOCACOCOCOCOCOCOCOCOCOCOCOCOCOCOCOCOC
	Time	7 25 a.m. 2 30 a.m. 1 40 a.m. 6 30 a.m. 6 30 a.m. 6 30 a.m. 6 30 a.m. 1 40 a.m. 6 40 p.m. 1 50 a.m. 1 50 a
01, 1020.	Date	7 0000. 20 00000. 20 0000. 20 0000. 20 0000. 20 0000. 20 0000. 20 0000. 20 00000. 20 0000. 20
70	File	## 8226 ##

Horse and rig Automobile Automobile Automobile Automobile Automobile Horse and rig Pedestrian Automobile Pedestrian Horse and rig Automobile Pedestrian Horse and rig Automobile Pedestrian Horse and rig Horse and rig Horse and rig Pedestrian Horse and rig Pedestrian Automobile Horse and rig Pedestrian Rutomobile Horse and rig Horse and rig Pedestrian Automobile Automobile Automobile Automobile Automobile Automobile Horse and rig Pedestrian Automobile	Potestrian Horse and rig Potestrian Auto truck Automobile Pedestrian Automobile Automobile
Bell Unprotected	Gates    Gates   Gates     Unprotected     Unprotected     Unprotected     Unprotected     Unprotected     Unprotected     Unprotected     Unprotected     Unprotected
0-11111100-11111111	-         -
Stratford, Ont. Eric Street  Stratford, Ont. Bric Street  Strattheona, B.C., 37th Avenue, Mun. Point Gray  Brantford, Ont., Bloor Street London, Ont., Maidland Street London, Ont., Maidland Street  Sellerville, Ont., crossing two miles east  Glencoe, Ont., Main Street  Hamilton, Ont., Pallington Street  Bandling, Dut., Patrick Street  Amprior, Ont., Patrick Street  Bandling, Dablon, Que., crossing south of station  Montreal, Que., crossing south of station  Montreal, Que., crossing three miles east  Charing Cross, Ort., first highway east of station.  Welland, Ont., Main Street  Ottawa, Ont., Lebreton Street  Ottawa, Ont., Lebreton Street  Ottawa, Ont., Lebreton Street  Cliffond, Ont., Strange Street  Sault Ste. Marie, Ont., Westchester Street  Cobourg, Ont., Brock Road  Sault Ste. Marie, Ont., Westchester Street  Toronto, Ont., Park Street  Porthamines, Ont., Westchester Street  Portham, Ont., Crosham Street  Portham, Ont., crossing west of station.  Chalaman, Ont., Park Street  Portham, Ont., Park Street  Portham, Ont., Park Street  Putnam, Ont., crossing west of station.  Wontreal, Que., Chalama Street  Sault Ste. Marie, Ont., Wellington Street  St. Hubert crossing west of station.  Wontreal, Que., Chalama Street  St. Albert crossing user of station.  Wonteal, Que., Chalama Street  St. Hubert crossing west of station.  Wontreal, Que., Chalama Street  St. Hubert crossing west of station.  Wontreal, Que., Chalama Street  St. Hubert crossing west of station.  Wontreal, Que., Chalama Street  St. Hubert crossing west of station.  Wontreal, Que., Chalama Street  St. Hubert crossing west of station.  Wontreal, Que., Chalama Street  Statinnor, Alire, crossing one-quarter mile west.  Berhellin, Ont., Eloro Road crossing east.  Berhellin, Ont., crossing one-quarter mile west.	wonteat, vue., ruion street. Perth, Ont., Drummord Street. Elie, Man., first crossing west of station. St. Norbert, Man., crossing immediately south. Port Moody, B.C., Queen Street. St. Johns, Que., St. James Street. Wellington South, B.C., crossing 1,953 feet north.
SWOQQQQUCQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQ	E COURTE
8.10 a.m. 7.10 a.m. 7.10 a.m. 7.10 a.m. 7.50 p.m. 1.55 p.m. 1.45 p.m. 9.50 a.m. 9.50 a.m. 9.10 p.m. 11.40 p.m. 7.11 p.m. 7.12 p.m. 12.30 p.m. 12.30 p.m. 11.13 a.m. 9.10 a.m. 9.10 a.m. 7.2 p.m. 17.20 p.m.	2.58 p.m. 1.36 p.m. 3.00 p.m. 4.32 p.m. 8.50 a.m. 10.15 p.m. 4.47 p.m.
Feb. 28 Feb. 28 Feb. 28 Mar. 19 Mar. 19 Mar. 19 April 10 April 21 May 4 May 4 May 10 M	
\$\\\ \text{8.88}\$ \\ 8.8	8875 8875 8895 8916 8918 8931 8931

No. 9. Styrenty showing highway erossing accidents attended by personal injury investigated during the year ending Dominiter 31, 1920.—Continued.

ion   Remarks	ted Automobile Automobile Automobile Automobile Pedestrian Automobile Automobile Automobile Automobile Horse and right Automobile Horse and right Automobile Horse and righted Automobile
Protection	Unprotected Entry
Killed   Injured	00000000000000000000000000000000000000
Killed	01 H       H
PLACE	Creenfield, Ont., Camerons Crossing, 2 miles east Maxville Lachute, Que., first public crossing west.  Mest Toronto, Ont., St. Clair Avenue Montreal, Que., Covernment Road crossing.  Falconberg, Ont., first crossing north St. Hyacinthe, Que., Government Road crossing.  Falconberg, Ont., first crossing north Montreal, Que., Tapineau Avenue Nontreal, Que., Papineau Avenue Hamilton Beach, Ont., Tranery crossing.  St. Thomas, Ont., Hughes Street Dalhousie Mills, Ont., Tranery crossing.  St. Thomas, Ont., Hughes Street Dalhousie Mills, Ont., Tranery crossing east.  Ottawa, Sprinfield crossing, 3½ miles west of Ottawa, Ont. Grarleton Place, Ont., Tranery crossing Carleton Place, Ont., Tranery crossing Ottawa, Sprinfield crossing, 3½ miles west of Station Ottawa, Sprinfield crossing, 3½ miles west of Station Ottawa, Sprinfield crossing, 3½ miles west of Station Ottawa, Sprinfield crossing ast of Station Ottawa, Carleton, Ont., Huron Street Laconbe, Alta., first crossing ast of station Meroacon, Ont., William Street Darlington, Ont., Grossing near east switch Trenton, Ont., Main Street Darlington, Ont., Crossing near east switch Hamilton, Ont., Town Line crossing Sand Point, Ont., crossing at station No. 12 Hamilton, Ont., crossing one-half mile west. Hamilton, Ont., Town Line crossing Prescott, Ont., Hown Line crossing
Railway	000000000000000000000000000000000000
Time	6.15 p.m. 6.15 p.m. 7.55 p.m. 7.55 p.m. 2.20 p.m. 5.00 p.m. 6.30 a.m. 6.30 a.m. 6.20 p.m. 6.20 p.m. 6.15 p.m. 6.45 p.m.
Date	July 29 July 29 July 29 July 29 July 29 July 29 July 27 July 27 July 27 July 27 July 28 July 30 July 31 July 30 July 31 Sept. 17 Sept. 18
	Inv.

Automobile	Automobile Pedestrian Horse and rig Automobile Pedestrian Horse and rig Automobile Pedestrian
Unprotected	Unprotected
11-11-1-11-1-11-1-1-1-1-1-1-1-1-1-1-1-1-	
Drillia, Ont, first crossing north.  Longburn, Man, crossing 25 poles west.  Elackfalds, Alta, crossing at mileage 9.2  Blasteed, Ont., Norman Crossing. Capred, Ont., Norman Crossing. Capred, Ont., Railway Street.  St. Thomas, Ont., Raybee Avenue. West Toronto, Ont., Royce Avenue. Cuencr, Cuow. Street.  Verner, Out., first crossing east of station.  Westfort, Ont., Brock Street. Wolverton, Ont., Brock Street. Wolverton, Ont., Devonshire Road Strathroy, Ont., Devonshire Road Strathroy, Ont., Devonshire Road.  Strathroy, Ont., Devonshire Road. Strathroy, Ont., Devonshire Road. Strathroy, Ont., Devonshire Road. Strathroy, Ont., Instructorsing south. Comwall, Ont., first crossing east. Fredensthal, Man, crossing three miles west. Newbury, Ont., Haggerty, Street.  Fredensthal, Man, crossing five miles north. Burlington, Ont., Water Street. Eachville, Ont., Mater Street.  Eachville, Ont., Mater Street.  Leachville, Ont., Sein Road crossing.  Arkwood Ont. Onterosing one mile west.	.Ozene detalo serale consumo
00000800000000000000000000000000000000	
2.10 p.m. 9.45 p.m. 9.45 p.m. 9.45 p.m. 9.20 a.m. 9.20 a.m. 9.20 a.m. 11.20 a.m. 10.15 a.m. 10.15 a.m. 10.15 a.m. 10.15 a.m. 9.28 a.m. 9.28 a.m. 11.20 a.m. 12.12 p.m. 12.22 p.m. 12.22 p.m. 12.12 p.m. 12.12 p.m. 12.12 p.m. 12.12 p.m. 13.55 p.m. 14.55 p.m. 15.55 a.m. 16.50 p.m. 17.50 p.m. 18.45 p.m. 18.45 p.m. 19.50 p.m. 19.	10.50 pm. 9.240 pm. 9.250 pm. 2.39 pm. 2.39 pm. 2.39 pm. 7.450 pm. 11.00 pm. 10.55 pm. 2.56 pm. 10.55 pm. 10.55 pm. 2.56 pm. 10.55
Sept. 23 Sept. 24 Sept. 25 Sept. 26 Sept. 26 Sept. 27 Sep	Oct. 12 Oct. 12 Oct. 12 Oct. 12 Oct. 12 Oct. 12 Oct. 13 Oct. 13 Oct. 14 Oct. 15 Oct. 15 Oct
9175 9175 9197 9197 9203 9203 9221 9221 9221 9225 9225 9225 9225 9225	9324 9325 9326 9320 9320 9320 9320 9320 9320 9320 9320

No. 9. Statement showing highway crossing accidents attended by personal injury investigated during the year ending December 31, 1920.—Constituted.

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No. 10.—Statement showing accidents to employees while working on or under engines, investigated during the year ending December 31, 1920.

In- jured	
Kill-	
Remarks	Fell off engine while lighting lamp Shaking grates Drip plate fell Blower valve blew out Arch tube burst Leaning out of eash and own Fell off tender of engine Scalded by hot water from engine of eash of engine Scalded by hot water from engine Cet fing down from engine stepped in a hole. Slipped on ice on rear of tender tank Shaking grate bars came off Shaking grate bars came off Fell on appron plate Fell off tender while climbing over same Fell off tender while climbing over same Fell on appron plate Fell on appron plate Fell on appron plate Fell on search of engine Squeezed between top of cab and engine Fell off tender while taking water. Shaking grates Shaking grates Squeezed between top of cab and engine Fell off tender while taking water. Shaking grates Squeezed between top of cab and engine Fell off tender while taking water. Shaking grates Squeezed between top of cab and engine Fell off tender while taking water. Shaking grates Getüng off engine when it was near coal chute. Struck on head by coal. While colining lamp slipped Slaking grates Getüng off engine at coal chute. Fire and stamb broke out in cab. Closing grate bars. Water glass broke. Ever siruck Reversing lever.
. Place	Aylmer, Ont  Renfrew, Ont  Baglefeld, Sask Cushing Jot., Que., 2 miles west Tavistock Jot., Ont Parkdale Stn., Ont., 4 mile east. Camrose, Alta. Jessica, B.C. Thutsville, Ont Cardiff, Alta., at water tank Fort Erie Yard, Ont Thamesville, Ont Allandale coal chute, Ont Cayle, Ont Thamesville, Ont Monklands, Ont Monklands, Ont Monklands, Ont Monklands, Ont Rariston, Ont Middlemiss, Ont Woming, Ont Woming, Ont Woming, Ont Walland, Ont Earis Jot., Ont Walland, Ont Baris Jot., Ont Middlemiss, Ont Middlemiss, Ont Middlemiss, Ont Earis Jot., Ont Woming, Ont Walland, Ont Salanks, Ont Hamilton, Ont. Shanks, Ont Hamilton, Ont. Ottawa, Ont. Hamilton, Nard, Ont. Hamilton, Nard, Ont. Ottawa, Ont. Hamilton, Ont. Ottawa, Ont. Hamilton, Sask Ontodaga, Ont. Finnie, Sask St. Canut, Que.
Railway	E COCOCOCHO COCOCOCHO COCOCOCHO COCOCOCOC
Date	Dec. 24  Jan. 26  Jan. 26  Jan. 26  Jan. 27  Jan. 27  Jan. 19  Dec. 27  Jan. 19  Dec. 27  Oct. 22  Oct. 22  Nar. 1  Mar. 7  Mar. 29  Mar. 29  Mar. 20  April 20  Apri
File	Inv. 8265  8310  8324  83341  83341  83341  83341  83341  83341  83341  83341  83341  83341  83445  83445  83445  83445  83445  83446  8346  8346  83446  83

No. 10. - Statement shawing accidents to employees while working on or under engines, investigated during the year ending

ln- jured	
l ed	et (11111)
Remarks	Working under engine on ashpit.  Struck by falling bold.  The control of Tunning board.  Washout plug blew out.  Grab iron bryce on engine.  Loading coal.  Struck by reversing lever.  Opening fire box door.  Mulie that in brake vialve branche.  Stacking grate bars.  Stacking grate bars.  Stacking grate bars.  Water glass broke.  Cylinder cock defective.  Stacking grate bars.  Water glass broke.  Cylinder cock defective.  Standing near engine when it started.  Handling near engine when it started.  Handling near engine when it started.  Handling reversing lever.  Planks covering drain caved in.  Fell against reversing lever.  Palanks covering drain caved in.  Shaker but shipped off.  Dynamo on engine blew up.  While sprinkling water on eval.  Shaker by reversing lever.  Struck by reversing lever.
	Brantford, Ont. Camperdown, Ont. Camperdown, Ont. Nindsor, Ont. St. John Station, N.B. Three Rivers, Que Glencoc, Ont. Jellicoe shop track, Ont. Jellicoe shop track, Ont. Tilsonburg, Ont. London, Ont. Sifton, Man. Crew, Ont. Lindsay, Ont. Lindsay, Ont. Lindsay, Ont. Sifton, Man. Octawa, Ont. Sifton, Man. Octawa, Ont. Lindsay, Ont. Carrier, B.C. St. Paulin, Que. Samia roundhouse, Ont. St. Marys Jet., Ont. St. Manilon, Carrier, Ont. St. Manilon, Dan. Carradoc, Ont. Flamboro, Ont. Gardeo, Ont. Flamboro, O
Selles	######################################
Date	May 11  May 15  Nay 16  Nay 16  Nay 16  Nay 16  Nay 17  Nay 18
Ē.	The   8742   87443

eel and coal gg i run down by g wheel.  oor open.  water on engit
perating wheel and coal gate.  e engine and run down by other.  and driving wheel.  firsteam  firsteam  and blew door open.  and blew door open.  hile taking water on engine  loor.  crane.
out. hand hand een operating wheel and coal gate. off. off. on one engine and run down by other tent blew out. te rod and driving wheel and of engine.  x of engine ever. pp. and tender. coded and blew door open. oded and blew door open. oded and taking water on engine to tank caught hand in coal door rater erane. oded for the blow door open. oded for the blow door open. oded for ever. for the tank caught hand in coal door for the tank caught hand in coal door for the tank caught hand in coal door for the the for the the for the the for
hard of the control o
sst  v v of of the control of th
by the property of the propert
replace of the control of the contro
the property of the property o
Placing replacer.  Squirt hose burst.  Squirt hose burst.  Squirt hose burst.  Squirt hose blew off.  Fell off engine.  Shaker by piston  Washout plug blew out.  Engine passed over hand.  Shaker bar broke.  Cleaning out sales on one engine and run down by other.  Adjusting brake.  Sprinkleh hose blew off.  Sprinkleh hose blew off.  Sprinkleh hose blew off.  Shaker bar broke.  Steam pipe broke.  Steam pipe broke.  Steam pipe broke.  Steam at equipment blew out.  Cleaning off engine.  Steam pipe broke.  Steam pipe broke.  Steam at equipment blew out.  Cleaning grate bars.  Steam bar equipment blew out.  Cleaning ashpan.  Olling engine.  Scalded while shutting off steam.  Steal for mannoke box of engine.  Scalded while shutting off steam.  Scalded while shutting off steam.  Stall for smoke box of engine.  Stall between engine and tender.  Stall between engine and tender.  Stall between manhole.  Class in fire box exploted and blew door.  Shaking grates.  Turning top valve.  Gas in firebox exploded.  Class in firebox exploded.  Class in firebox exploded.  Clessing ashpan.  Clessing ashpan.  Clessing ashpan.  Clessing ashpan.  Clessing ashpan.  Clessing ashpan.  Classing ashpan.  Clessing ashpan.
- WHOREOREACE WHO WOO CAN NO CENCONFOCE WE CAROLF A TANK HOUD CHOL
Saskatoon, Sask Paswegii, Sask Coteau Jct., Que Portage, Man. Moose Jaw, Sask Montreal, Que Montreal, Que Montreal, Que Trentou, Ont. Lindsay, Ont. Samiths Falls, Ont. Samiths Falls, Ont. James Bay, Ont. Barrie, Ont. Coquibility Falls, Ont. Barrie, Ont. Coquibility And. Coquibility Sask Coquibility Sask Coquibility Sask Codubility Ont. Maxville, Ont. Maxville, Ont. Maxville, Ont. Cobourg, Ont. Cobourg, Ont. Cobourg, Alta. Cobourg, Alta. Flaxcombe, Sask Munico, Alta. Christie, Ont. Cobeny, Alta. Christie, Ont.
Sk. K.
n. Sask. J. Sask. J. Sask. J. Sask. J. Oue. Sutherly. J. Out. Ont. J. Out. J.
different control of the control of
Saskatoon, Sask Paswegin, Sask Coteau Jct., Que Portage, Man. Moose Jaw, Sask Montraal, Que. Montraal, Que. Mar. 104, Sutherland Schreiber, Ont. Palmerston, Ont. Lindsay, Ont. Gravenhurst, Ont. Smiths Falls, Ont. James Bay, Ont. Barrie, Ont. Gravenhurst, Ont. Gravenhurst, Ont. Barrie, Ont. Barrie, Ont. Barrie, Ont. Barrie, Ont. Coquiblally, 3c. Coquiblally, 3c. Cequiblally, 3c. Cequiblally, 3c. Coquiblally, Ont. Brighton, Ont. Marville, Ont. Cobourg, Ont. Cobourg, Ont. Cobourg, Alta. Colyen, Alta. Christie, Ont. Marson, Alta. Christie, Ont. Marcaw, Ont.
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Aug. Aug. Aug. Aug. Aug. Aug. Sept.
9133 91134 91134 91134 91136 91136 91137 9137 9137 9137 9137 9137 9137 913
<b>323</b> 2323232323222222222222222222222222

11 GEORGE V, A. 1921

nding	In- jured	
or co	Kill- ed	co. 111111111111111111111111111111111111
Railway  Brighton, Ont  Brighton, On	Operating lever slipped.  Fell off side of engine.  Fell on coal while on top of tender.  Fall of sught in firebox door.  Fell off tender of engine.  Caucht lawwas secretaric rod and crank.  Opening blow off cock.  Slipped on engine steps.  Wesherd plue blow out of fire box.  Fell off tender while taking water.  Fire of engine car header steam valve.  Pulling crane around.  Hand caught on reverse lever.	
accidents to employees while w. 31, 1920,-	Place	Brighton, Ont. Farley, Sask. Montreal, Turcot, Que. Wattous, Sask. Redrew, Ont. Narlem, Mar. Chatham, Ont. I mile south Mulsey Yard, Alta. Chatham, Ont. I mile south Mulsey Parel, tont Mulsey, Ont. St. Marys, Ont. Materford, Ont. Madawaska, Ont. Madawaska, Ont. Waterford, Ont. Chatlk River, Ont.
r showing	Railway	00000000000000000000000000000000000000
-SIATEM N	Date	Nov. 26 Nov. 26 Nov. 27 Nov. 22 Nov. 22 Nov. 22 Nov. 22 Nov. 23 Nov. 22 Nov. 18 Dec. 13 Nov. 18 Feb. 1 Feb. 1 Feb. 1 Feb. 1 Nov. 18 Teb. 1 Feb. 1 Nov. 18 Nov.
No. 10.	₩	Inv. 9481 " 9492 " 9509 " 9509 " 9515 " 9515 " 9515 " 9515 " 9515 " 8539 " 8539 " 8539 " 8539 " 8539 " 8539

SESSIONAL PAPER No. 20c

No. 11,-STATEMENT showing the number of highway crossing accidents with the total number of killed and injured by provinces and railways for twelve months ending December 31, 1920.

	i.	90 63 43 2	2 2	-	7	50	63 69	215
Total	K.	32 4 4	14	1	-	: :	77	89
Ĩ	Acc.	73 66 32 1	07.12	1	ಣ	-4	114	193
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British Columbia	К.	.63	: :	-	:	: :	T :	4
Br	Acc.   K.   I.	4 : :	: :	-	:	: :	Т :	9
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Alberta	Μ.	10	: :	:	:		: :	9
All	Acc. K.	. 9 4		:	:			10
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Saskat- chewan	К.			:	:			
Sas	Acc. K.	61 65						ro.
ri ri	i.	133		:	:			16
Manitoba	K.			1	-			2
Man	Acc. K.	4.00		:	:			12
	Ĩ.	75 26 16	-2	:	6.1	ro	:00	131
Ontario	K.	115	H 44	:	-	::	62	39
Ont	Acc. K.	93 12	220		ಣ	-4	4	124
	I.	15 15 6		:	-		: :	37
Quebec		4 6 . 4	-	:	-			17
Que	Acc. K.	13			:			34
	I.	20	: :	-	:			5
New			::	:	:			1
New Brunswick	Acc. K.	- :						-
cia	I.	: : H :		:	:	:::		-
Scot	X.			:	:			
Nova	Acc. K. I.			:	:	: :		-
Name of Railway. Nova Scotis		Grand Trunk	Buffalo	Elec. Brantford and Ham-	ilton.	Northern Pere Marquette	Nanaimo	Total

No. 12.—Statement desting lighting ere in a which perform provided, and rature of protection, during period of twelve months ending December 31, 1920.

Nature of Protection	Auto-calibidian pencyal it bask  Auto-calibidian pencyal it bask  Verm  Auto-cal call and white a of near  Two automatic balls in near a warden a  Auto-calib ball and cars ket off solia, beaver,  station and crossing in linear a warding in.  Watchman between 7 a.m. and 11 p.m.	<ul> <li>[11] &amp; N. (14). Mitomorph of these and instablished or Wig Yage -1935 of the addition to automatic both showdy less than a subdition to automatic both above the set that it is a factor of the set of t</li></ul>	Automatic bell and Wige Mag. Removal of banks, trees and brush, and install wire fence instead of board fence. Removal of high ground which obstructs view of track. Gates.	Automatic bell and Wig Wag signal. Gates. Wig Wag signal, and curs to be kept back 300' from crossing (bell now installed). Speed limitation of six miles an hour.
Railway	C.T.R. 31	G.T.R. 2014. G.T.R. 2014. T.H. & B. 69. G.T.R. 69.	G.T.R. (9) C.P.R. (9) G.P.R. (10)	C.P.R. (2). C.N.R. (10). G.T.R. (11) C.P.R. (72)
Location of Crossing	Cinally, Out., Virtuin and Cinal and Cinal and Control of Control of Don Tive.  Toronto, Out., Bastern Ave., immediately W. of Don Tiver	Strategie Off Addictive Production of Comments of Strategies of Comments of Strategies of Comments of Strategies of Comments o	Gardah, Ont., crossing I mile north. Anigari, Ont., Garrison read.  Twp. of Morris, Ont., side road crossing between lets 5 and 6.  London, Ont., Rall Mall st.	Durlington, Ont., crossing near east switch   C.P.R. (2)   Nationatic bell and Wig Wag signal.   Trenton, Ont., Dufferin st., (Orono sub. main line)   C.N.R. (10)   Gates.   Gates.   Prescort. Ont., Edward street   C.T.R. (11)   Wig Wag signal, and cars to be kep crossing treet   C.P.R. (12)   Speed limitation of six miles an hour.   C.P.R. (12)   Speed limitation of six miles an hour.   C.P.R. (12)   Speed limitation of six miles an hour.   C.P.R. (12)   Speed limitation of six miles and hour.   C.P.R. (12)   Speed limitation of six miles and hour.   C.P.R. (13)   C.P.R. (15)   C.
Order No.	2007 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	29581 29710 29716 29760 29850	299999 30046 30032 30132	30348 30386 30412 30412
File No.	25.7 0.5 1.6 2.7 0.5 1.6 2.7 0.5 1.6 2.7 0.5 1.6 2.7 0.5 0.5 1.6 2.7 0.5 0.5 1.7 0.5 1	9437 - 1202 9437 - 1267 97802 - 4 9437 - 925 3701 - 236	26727-64 26727-53 26727-53 26727-53	26727 - 68 26727 - 68 26711 - 20 9437 - 681 27611 - 14

No. 13.—Statement showing the number of highway crossings at which protection has been ordered by the Board, and the nature of protection set out by Provinces, for twelve months ending December 31, 1920.

Nova Scotia	New Brunswic	Quebec	Ontario	Manitoba	Saskatchewan	British Columbia	Alberta.	Total
			1					1
51			3	1				4
)			1					1
)			1					1
			1					1
(			2					2
)			_					
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							1	1
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			20	1			1	22
	Novas	Nova	Nova Nova Nova Ouebo	Name	Nova   Nova	Nova   Nova	Nova   Nova	Nova   Nova

No. 14.—Statement showing number of persons killed and injured at public highway crossings, separately, for each year for three years ending March 31, 1919, nine months ending December 31, 1919, and twelve months ending December 31, 1920.

Year	Gates		Bell		Watchman		Unprotected		Total	
1917	K.  10 6 3 4 6	1. 15 15 20 9 14 73	K.  4 9 10 .4 .6 33	1. 10 12 20 7 29 78	K. 1 1 4 4 4 10	I.  13 5 7 9 8 42	K.  43 52 27 36 52 212	1. 98 119 115 138 164 634	K. 60 67 41 48 68 284	1.  136 151 162 163 215 827

No. 15. STATE TIVE slowing number of highway crossing accidents, the nature of same, for each and every year separately for the three years ending March 31, 1919, nine months ending December 31, 1919, and twelve months ending December 31, 1920.

4	Total	332	207	185	724
	12 m es. 1920	16	44	31	191
Total	9 mrcs. 1919	09	26	30	116
E	Potal 1917 1918 1919	99	29	+++ + 1	142
	<u> </u>	70 44	20	5.5	136 139
	1917	36	700 00	2	
	Total	266	174	Ĭ	541
	12 1920	93	83	21	1300
Vm rotes I d	9 1919	20	25	34	97
i .=	-	49	28	77	88
	=	29 45	43	21	99 109
1			45	131	66
1	Total 1917 1918 1919	44	00	9	77
	12 11920	17	7	20	27
7.	Pote, 1917 3918 1919 1919	KO			9
	Ė	13	-	62	17
		73	00	41	12
	2	4	1-	44	15
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	1920	4	63	13	130
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		pril	+-1	6	15 11 20
	the state of	63	2	12	101
	-	Automobile	Horse and rig	Pedestrian   12   9   17	

The total 724 socidents covers 284 persons killed and 827 persons injured, as referred to in preceding statement.

SESSIONAL PAPER No. 20c

No. 16.—Statement showing the number of trespassers killed and injured by Provinces and Railways for twelve months ending December 31, 1920

ONAL PAPER No. 20c									
al	. I	120							
Total	K. 32.88 3.18 3.18 3.18 3.18 3.18 3.18 3.18 3	73							
British	. 1. 5:	9							
Bri	K. 1	00							
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Alberta	M L	<del></del>							
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Saskatche- wan	K. 22	60							
oba	H	9							
Manitoba	. 4-1	ಸರ							
io	1 2000	22							
Ontario	H 22336	33							
Quebec	.1 11 10 10 10 10 10 10 10 10 10 10 10 10	26							
One	K. 12 12 6	22							
wwick	. 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	67							
New Brunswick	H	=							
va ia	H ::::::::::::::::::::::::::::::::::::	:							
Nova	. Ж	:							
Name of Railway	Grand Trunk. Canadian Pacific. Canadian National. Hull Electric. New York Central Grand River. Toronto, Hamilton and Buffalo. Michigan Central. Brantford and Hamilton. Windsor, Essex and Lake Shore. Take Erne and Northern. Crand Trunk Pacific. Vapcouver, Victoria and Eastern.	•							

7. STALMENT showing the number of persons killed and injured on the various railways under the jurisdiction of the Board from April 1, 1912, until March 31, 1919, nine months ending December 31, 1919, and twelve months ending 10.00 persons are injured under three headings and shown separately for each and every year.

	Passengers		Employees		Others		Total Total	
Year	К.	I.	K.	I.	K.	I.	К.	J.
10.13 10.15 10.15 10.15 10.17 10.17 10.18 10.19 10	28 21 31 8 17 16 22 28 4 17	292 410 339 239 140 280 342 202 274 379 2,897	230 303 249 99 120 155 137 117 91 80	1,381 1,603 1,250 873 788 1,174 1,220 1,344 951 1,570	231 319 314 230 200 212 174 119 128 157	238 218 310 251 197 239 268 267 277 381	489 643 594 337 337 383 333 264 223 254 3,857	1,911 2,231 1,899 1,363 1,125 1,693 1,830 1,813 1,502 2,330

SESSIONAL PAPER No. 200

No. 18.—Statement showing the number of persons killed and injured in the more prominent accidents on the various railways 31, 1919, nine March under the jurisdiction of the Board shown separately for each year of the three years ending months ending December 31, 1919, and twelve months ending December 31, 1920,

IAL	PAPE	R No.	20c												
	Total	I.	1,198 300 254	177	25	193 634	358 433	194	64	151	223	177	277	17	4,955
	To	K,	62 48 48	16	24 1/2	212	436	34	a ro (	19	10	9 6	191	19	1,256
	12 months 1920	ï.	316 66 58	217	44	164	101	44	16	44 cc	200	57	20	:	1,307
	12 m 19	K	11 14 14	67		16	922	9		00 co	೯೨ ⊀	ť	26	:	219
	9 months 1919	H !	247 85 15	202	- co ;	138	20 68 68	00 10	9	37	70 Z	31	41	4	910
	9 mc	K.	E 4 -	20		36	64	<u>r</u>		-1 }-			27		180
	1919	н <sup>§</sup>	159 57 53	40	100	115	75 102	15	121	37	0 4	35	54	∞	920
	19	Ä.	ဘတက	c7 <del></del>	0	27	922	10	100	- 67	ಲಾ ಸಂ	9 69	32	1	218
	1918	I.	242 47 86	2 - 2 20	14.0	119	5.42	12	12	23.53	2 4	24	50	ಣ	952
	19	K.	91 6 41	G3 :		15 52	93 0	9		# <b>9</b>	<del></del> €	13.	43	18	310
	17	I.	45 45 45 45	20 20 20	200	8 8 8	79	19	17	21	4 60	30	56	7	866
	1917	K.	91	n	4 64 7	55,	129	9		+ 4	2 5	4	63		329
	Programme	American Company	Defaultein Collision head on Collision rear end	Collision in yard. Collision with ears, open switch.	Collision at the case of the control	Highway crossing protected.  Highway crossing unprotected.	Augusting couplers, uncoupling, etc.	nand car, motor, struck by train. Struck by switch stand, etc.	Crushed between cars and buildings.	Falling off top of car.	Falling between cars going over top Jumping off train in motion	Attempt to board train in motion.	Kun down by engine of car.	Locomotive dropping crown sheet	

No. 19 .- Statement showing number of ears inspected together with defects for twelve months ending Describer 31, 1020.

	63.06 63.06 63.06 63.06 63.06 63.06 61.20	61.48	Per Cent Defective	2.38 2.60 5.42 5.63	1.43	2.64		2.57
***	1, 113 655 31 20 20 50 7 7 7 4 4 1	2,318	Miscel-	43 20 4				26
	3.05 3.05 3.05 3.05 4.28 4.28 4.28 5.05 1.50 8.50 8.50 8.50 8.50 8.50 8.50 8.50 8	3.21	Per Cent	0.22	2.07			0.55
5 =	4 to - 0	123		488				21
	15.66 17.55 26.76 14.29 14.06 14.06	17.48	Height of Couplers					
The distriction of	2882 1882 1982 10 10 10 10 10 10 10 10 10 10 10 10 10	657	Per Cent Defective	8.05 4.74 6.89 5.63	17.65	7.89	6.25	09.9
	66 6 4 4 4 1 1 4 4 5 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	3.69	Sill Steps	145 495 329	<b>⇔</b> c≎ :0	00 en	4	249
and partice. Page 41:0	004F88H4 H88H 8	139	Per Cent Defective	5.83 3.18 7.04	5.71	2.98 2.64 5.56	3.12	4.40
Trust Defects	1,801 1,037 171 1,037 171 224 177 170 170 170 170 170 170 170 170 170	3.770	Ladders	105 33 12 5	<b>4</b>	27		166
Preparation	44 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4	4.74						
Cars Per Cent Defective Defeative	2014 700 700 843 853 853 854 854 854 854 854 854 854 854 854 854	3,135						
Cars	31, 540 18, 968 18, 968 1, 695 1, 391 2, 335 5, 505 2, 335 1, 435 1, 435	66,108	ailway					
Nation of Rational	Canadian Pacific. Grand Trunk. Canadian National Grand Trunk Pacific. Grand Trunk Pacific. Toronto, Hamilton and Buffalo. Buston and Nation Michigan Central. Dominion Atlantic. Halifax and Southwestern. Algonat Central and Hudson Bax Quebec Central. Winnipeg Joint Terminals.		Name of Railway	Canadian Pacific Grand Trunk Canadian National Grand Trunk Pacific	Fere Manquette Toronto, Hamilton and Buffalo. Boston and Maine. Michigan Central.	Dominion Atlantic Halifax and Southwestern Algoma Central and Hudson Bay	Quebec Oriental Winnipeg Joint Terminals	

No. 20.—Statement showing defective safety appliances on freight cars as reported by the inspectors for twelve months ending December 31, 1920.

COUPLERS AND PARTS	AIR BRAKES
Coupler body broken 8	Triple valve defective
Coupler body worn	II I FIDIO VAIVO missing
Guard arm short	neservoir delective
Knuckle broken 1	II Treset voit 100se
Knuckle worn	UVIIIIder detective 15
Knuckle missing. 6 Knuckle pin broken. 4	Cylinder loose
Knuckle pin broken. 4 Knuckle pin wrong. 4	Cylinder loose. 38 Cylinder and triple valve not cleaned within
Knuckle pin bent.	twelve months
Knuckle pin missing	Cylinder and triple valve not stencilled
Lock block broken. 95	with date of cleaning. Cut out cock defective. 64
Lock block worn	Release cock defective. 64 Release cock defective. 4
Lock block wrong	Il Release cock missing
Lock block bent Lock block inoperative 1	II IVELEASE FOO DEOKEN 129
Lock block inoperative	Il Release rod missing 102
Lock block missing	aligie cock delective
Lock block key missing 1	Angle cock missing
Lock block trigger missing 1	I I rain pipe broken 15
Total	Train pipe loose. 52
10641	Train pipe bracket missing
	Crossover pipe defective. 20 Hose defective. 2
UNCOUPLING MECHANISM	Hose defective. 2 Hose missing. 52
	Hose gasket missing 10
Uncoupling lever broken	Retaining valve defective
Uncoupling lever wrong	Retaining valve missing
Uncoupling lever bent	Retaining pipe defective
Uncoupling lever incorrectly applied 6 Uncoupling lever missing	Retaining pipe missing
Uncoupling chain broken	Brake rigging defective. 178
Uncoupling chain too long	Brake cut out
Uncoupling chain too short	Brake cut out card old. No brakes of any kind. 4
Uncoupling chain kinked 1	Pump missing
Uncoupling chain missing	
End casting broken	Total
End casting wrong. End casting bent. End casting loose. 6	
End casting bent	
End casting incorrectly applied	
End casting missing 9	LADDERS
Keeper broken	Ladder round broken
Keeper wrong	Ladder round bent
Keeper bent	Ladder round lcose 8
Keeper loose	Ladder round missing 4
Keeper incorrectly applied	Ladder loose
	Ladder incorrectly applied 28
Angle clip loose	Total
Total	10021
HANDHOLDS	SILL STEPS
Handhold broken 10	Sill step broken 5
Handhold bent	Sill step bent. 227
Handhold loose	Sill step loose
Handhold incorrectly applied 2	Sill steps incorrectly applied
Handhold missing 7	Sill step missing
Total	Total
1 Otal	Total249
	Miscellaneous—Total
HEIGHT OF COUPLERS	Grand total3,770
Coupler too high	CICHE 0000011111111111111111111111111111111
Coupler too low9	
Carrier iron loose	
A-T-BOARD	

21

Total....

No. 21A.—Statement of defects on freight cars shown separately for three years ending March 31, 1919, nine months ending December 31, 1919, and twelve months ending December 31, 1920.

	1917	1918	1919	Nine months ending Dec. 31, 1919	Twelve months ending Dec. 31, 1920	Total
Couplers and parts Uncoupling mechanism Handholds. Air brakes Ladders. Sill steps. Height of couplers. Miscellaneous	100 548 291 1,887 99 195 4 371	54 470 158 1,710 97 158 6 214	109 809 152 2,959 142 236 11 342	71 398 55 1,507 71 179 9	139 657 123 2,318 166 249 21 97	473 2,883 779 10,38 57; 1,01 5,
	3,495	2,867	4,760	2,382	3,770	17,27

No. 21B.—Statement of Cars Inspected and Defective Shown Separately for Three Years Ending March 31, 1919, Nine Months Ending December 31, 1919, and Twelve Months Ending December 31, 1920.

	1917	1918	1919	Nine months ending Dec. 31, 1919	Twelve months ending Dec. 31, 1920	Tota l
Cars inspected	58,073 2,957	52,224 2,499	77, 261 4, 232	45,871 2,142	66, 108 3, 135	299, <b>5</b> 37 14,965
Percentage defective	5:09	4.79	5.48	4.67	4.74	4.99

No. 22.—States, it leaving number of engines inspected, by railways, togullar with defects, for twelve menths ending.

December 31, 1920.

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111122222111 101111 111111	1 1 1 1 1 1 1 1
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100-1011111110 10-1111 100 1111110	211 11161
1001-01-01-00 -101-01 H44 WIIHHH	24 40 12 12 12 17 17 17 17 17 17 17 17 17 17 17 17 17
440 - 1000  10 - 10	12 12 12 12 12 12 12 12 12 12 12 12 12 1
1. Air compressors 2. Arch tubes 3. Ash pans or mechanism 4. Axles 5. Blow-off cocks 6. Boiler checks 7. Boiler shell 8. Brake equipment 8. Brake equipment Cab aprons or decks 11. Cab cards 12. Coupling or uncoupling devices 13. Crossheads, guides, pistons or piston 14. Crown bolts 15. Cylinders, saddles or steam chests 16. Cylinder cocks or rigging 17. Domes or dome caps 18. Draft gear 19. Draft gear 20. Driving boxes, shoes, wedges, pedestals 21. Fire-box sheets 22. Flues 23. Frames, tail-pieres, or braces, locomotive and braces 24. Frames, tail-pieres, or braces, locomotive and braces 25. Gauges or gauge fittings, air 26. Gauges or gauge fittings, steam 26. Gauges or gauge fittings, steam 27. Gauge cocks 28. Grate shakers	Handholds. Injectors, inoperative. Injectors and connections. Inspection or test not made as required. Lateral motion. Lights, cab or classification. Lights, headlights. Mudrings.
	11

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1 181 1	E 195 10E 1	46 133 133 14 196	3,299 447 13
38. Packing nuts. 39. Packing, piston rod and valve stem. 40. Pilots or pilot beams. 41. Plugs or studs. 42. Reversing gear. 43. Rods. main or side, erank nins or	collars. Safety valves Sanders. Springs or spring rigging. Squirt hose Staybolts. Staybolts broken.	51. Steam valves. 52. Steps. 53. Tanks or tank valves. 54. Taltale holes. 55. Throttle or throttle rigging. 56. Trucks, engine or trailing. 57. Trucks, tender. 58. Valve motion. 59. Washout plugs. 60. Water bar or combustion flues. 61. Waterglass, fittings or shield. 62. Wheels. 63. Miscellaneous, signal appliance, badge, plates, brakes (hand).	Number of defects.  Locomotives inspected.  Locomotives defective.  Percentage inspected, found defective.

No. 22.—Statement showing number of engines inspected, by railways, together with defects, for twelve months ending December 31, 1920.—Concluded.

Total Defects	171
W. P.	
GV.R.	
N.B.	
Z.	
D-A-E	1111110001111 1111011
E. & M.	
T.H.	[e][[[[[[]]]]] ee[[[e]] []] [][[[[]]]]]]
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A. (.).	
Tenis.	
Q.C.R.	
S.W.	
O.M.	
Loromotive Defects	1 Air compressors. 2 Arch tubes. 3 Ash pans or mechanism. 5 Blow-off cooks. 5 Boller checks. 6 Boller checks. 6 Boller checks. 10 Cab aprons or decks. 11 Cab cards. 12 Coupling or uncoupling devices. 13 Crossheads, guides, pistons or piston. 14 Crown bolts. 15 Cylinders, saddles or steam chests. 16 Cylinder cocks or rigging. 17 Domes or dome caps. 18 Drast gear. 19 Draw gear. 20 Driving boxes, shoes, wedges, pedestals and braces. 21 Fire-box sheets. 22 Flues. 23 Frames, tender. 24 Frames, tender. 25 Gauges or gauge fittings, steam. 26 Gauges or gauge fittings, steam. 27 Gauge cocks. 28 Grate shakers. 29 Handholds. 21 Injectors and connections. 21 Injectors and connections. 23 Lights, headlights. 34 Lights, headlights. 35 Lights, headlights. 35 Lights, headlights. 36 Lubricator or shields. 37 Mudrings.

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38 Packing nuts. 39 Packing, piston rod and valve stem. 40 Pilots or pilot beams. 41 Plugs or studs. 42 Reversing gear. 43 Rods. main or side, crank nus or	44 Safety valves. 45 Sanders. 46 Springs or spring rigging. 47 Squirt hose. 48 Staybolts. 49 Staybolts broken. 50 Steam pipes. 51 Steam valves. 52 Steps. 53 Tanks or tank valves. 54 Teltlate hothorttle rigging. 55 Throttle or thorottle rigging. 56 Trucks, engine or trailing. 57 Trucks, engine or trailing. 58 Valve motion.	59 Washout plugs. 60 Water bar or combustion flues. 61 Waterglass, fittings or shields. 62 Wheels. 63 Miscelaneous, signal appliance, badge, plates, brakes (hand). 64 Fire protective appliances.	Number of defects.  Joeomotives inspected Locomotives defective Percentage inspected, found defective

# APPENDIX "D"

REPORT OF THE CHIEF FIRE INSPECTOR OF THE BOARD FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1920

Mr. A. D. CARTWRIGHT.

Secretary, Board of Railway Commissioners, Ottawa, Ont.

Su:- I have the honour to submit, for the sixteenth annual report of the Board, the arruma report of the Fire Inspection Department for the year ending December 31, 1920.

#### ORGANIZATION

The organization for local inspection has continued, in co-operation with the Dominion and provincial forest fire protective organizations, along substantially the same lines as previously reported.

#### RAILWAY FIRE PATROLS

The patrol requirements were generally well carried out by the railways. On crtain parties of the Canadian National and Grand Trunk Pacific lines in Alberta and British Columbia it was found necessary to intensify the patrols, and supplementary requirements were issued to the companies concerned. This action was made necessary by the increased fire hazard, due to a period of drought, coupled with the use, as locomotive fuel, of light-bodied grades of coal.

The only complaint received during the fire season with respect to the maintenance of special patrols was as to the requirements for the Brazeau subdivision of the Canadhan National Railways, where there was room for considerable improvement.

Reference was made in the last annual report of this Department to trials being under way to demonstrate the feasibility of handling special patrols by section forces. These experiments have continued during the past year, particularly on Canadian Pacific lines in British Columbia, and there is every prospect of the plan being adopted on a material scale during the ensuing year, under conditions to be prescribed by the Chief Fire Inspector.

#### FIRE STATISTICS

The fire season of 1920 in the eastern and western sections of the Dominion was a flar rooms one, while in the central sections or Prairie Provinces conditions were on the whole favourable to fire protection.

Extremely dry weather was experienced during the month of May and the early part of June in the provinces of Nova Scotia, New Brunswick and Quebec. Hot, dry we also, with high winds, was experienced during July, August and September in British Columbia, particularly between the Alberta boundary and Fort George, and down the valley of the North Thompson river.

A grand total of 1,732 fires from all causes were reported as having originated within 300 feet of railway lines in forested territory, along railways subject to the jurisdiction of the Board, as follows:—

Province	Number of fires	Per cent of total
British Columbia	524	.30.3
Prairie Provinces	480	27.7
Ontario		29.1
Quebec		7.7
New Brunswick		2.0
Nova Scotia	56	3.2
Totals	1,732	100.0

Of these, 745 are class A fires, covering less than one-fourth acre each, and doing no damage, while 987 are class B fires which burned over 106,853 acres and destroyed forest growth and forest products valued at \$222,931 and other property valued at \$75,913, a total of \$298,844.

Of the grand total 1,483 fires, or 85.62 per cent were definitely attributed to railway agencies; 61 fires or 3.52 per cent, to known causes other than railways, and 188 fires or 10.85 per cent to unknown causes.

Of the total area of 106,853 acres burned over, 92.31 per cent is chargeable to railway causes, 1.22 per cent to known causes other than railways, and 6.47 per cent to unknown causes.

Of the total of \$298,844 damage, the railways are definitely charged with 93.88 per cent; 2.31 per cent of the damage is due to known causes other than railways, and 3.81 per cent to unknown causes.

Of the 1,483 fires which the railways are definitely charged with having caused, 1,414, or 81.65 per cent of the grand total, are attributed to sparks from locomotives, and 69 fires, or 3.97 per cent of the grand total, to employees.

There has been a serious increase in the number of fires set by locomotive sparks during recent years. This may be attributed in part to increased railway mileage, and in part to an increase in the number of locomotives in use. In the judgment of this department, however, the principal factors are to be found elsewhere. In the sections of this report relating to coal fuel and to fire protective appliances on locomotives, this situation is elaborated further.

The Canadian Government Railways, although administered as a part of the Canadian National Railways System, are not yet under the Board's jurisdiction, and are consequently not covered in this report. This includes the following lines: Intercolonial, including Salisbury and Albert, Moncton and Buctouche, Elgin and Havelock, Caraquet, and International Railway of New Brunswick; Prince Edward Island Railway; New Brunswick and Prince Edward Island Railway; St. John and Quebec Railway; Transcontinental Railway, Moncton to Winnipeg, and the Lake Superior Branch: and Hudson Bay Railway.

fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction Season of 1920. of the Board of Railway Commissioners for Canada, reports on

SUMMARY of

\$113,777 64,920 35,429 66,428 00 10 61 66,062 12,751 14,608 5,211 1,483 280,554 558 18 18 51 51 676 807 Lond. 98. 1,519 128 8 41 3,947 2,400 28,624 36,743 1,696 47 and Hudson Bay 9,501 1,780 7,560 2,200 : 10 4 523 9,166 041 07 00 16 1,470 1,016 823 430 52 165 241 and British 0 1,025 157 1,282 67 495 1,440 220 222 Northern 23 -7 S. 126 315 1119 100 629 629 483 354 Church S 7,013 13,463 250 190 154 121 22 156 156 285 1,021 1,009 712 329 20,916 Canadian Canadian Canadian Canadian Pacific Pacific National Nuttime (Western (Eastern Lines) (a) Lines) (b) Lines) (c) Lines) (d) 37,644 5,966 7,761 209 \$65,714 23,206 22,201 31,678 co -- --243 106 15 15 121 370 580 142,799 \$21,368 14,088 2,935 1,415 9,308 1,773 979 2,495 908 2521012 10,714 5, 186 4, 360 1, 331 10,902 . 2 27 110 128 114 114 8,880 497 1,173 262 1,045 1,046 1,147 27 1 27 28 34 34 34 2,174 en ---500 16 (a) Campers and travellers, Class A..... Campers and travellers, Class B..... (b) Settlers, Class A..... B. KNOWN CAUSES OTHER THAN RAILWAY Locomotives, Class A fires.... Employees, Class A fires... Total of all railway fires. Total of Class A fires.... Total of Class B fires RUINIY LIRES Value of property destroyed-Young forest growth. Standing timber.... Young forest growth. Timber land. Slashing or old burn. Other classes of land Areas burned (Acres)-Forest products Number by Causes-Other property 1. Number by Causes-Total.

, 118 128 138 149	61	78 1,059 164	1,303	\$ 84 343 6,474	6,901	48	188	1,584 136 3,815 1,383	6,918	\$ 6,448 1,245 685 3,011	11,389
						4-1 YD	9	2	53	304	304
	1	4	4		1	es 00	11	150	863	070	20
- 07-	69	4	4			· · · · · · · · · · · · · · · · · · ·				69	
4	4	14	96	188	188	60	3	52.	28	# 1 D D D D D D D D D D D D D D D D D D	7.0
								10 30	40	\$ 100	160
1 2 6	က	105	160	\$	20	00	00	150	175	\$ 205	202
127	19	3 681 13	669	\$ 15 5,420	5,435	16 34	50	117 6 363 240	726	\$ 302 90 90 1,258	1,055
044101	12	101	130	155	155	19	27	788 134 139	1,061	\$ 4,215 1,091	5,300
3 3 10	10	20 104 6	130	\$ 69	283	9	43	381 15 2,205 34	2,635	\$ 1,156 105 680 98	2,039
14 50	6	50	80	\$ 789	789	111	39	135 70 247 936	1,388	\$ 200	1,000
Settlers, Class B.  (c) Other known causes, Class A.  Other known causes, Class B.  (d) Total of Class A fires.  Total of Class B fires.	Total of all known causes	2. Areas burned (Acres)—  (a) Young forest growth  (b) Timber land.  (c) Slashing or old burn.  (d) Other classes of land.	(e) Total	3. Value of property destroyed—  (a) Young forest growth.  (b) Standing timber.  (c) Forest products.  (d) Other property.	(e) Total	C, Fires of Unknown Origin  (a) Total of Class A fires  (b) Total of Class B fires	(c) Total of all unknown fires	2. Areas burned in acres— (a) Young forest growth (b) Timber land. (c) Slashing or old burn. (d) Other classes of land.	(e) Total	3. Value of property destroyed— (a) Young forest growth. (b) Standing timber. (c) Forest products. (d) Other property.	(c) I Outlier

Straware of propertion from Depost Steelings oughnessed within the or Telling of the Control of of the Board of Railway Commissioners for Canada, Season of 1920 - Concluded.

	(Western [1]		Eastern (Western Lines) (b)Haines) (c)	Western (Eastern   mes) (c) Lines) (c)	Pacific	A COLUMN	Northern	Edmon ton 1 ton 1 mnd Entitish (Columbin	Meanna 1	Mi æd	College
D. Grand Totals for all Causes 1. Number— (b) Total of all Class A fires (c) Total of all Class B fires	146	25.7	148	272	156		7 = 5	141	<b>10</b> 01	16	745
(c) Total of all fires reported	310	195	213	439	206	20	58	27.	28	53	1,732
2. Areas burned in aeres— (a) Young forest growth (b) I areas Isaal (c) Shashing or old burn (d) Other classes of land	307	9,281 3,482 204	10,096	37,764 5,971 8,805 462	1,076	129 629 629 6	70 1,479 302	15188 1718 1718	7, 131 1,825 84	20 ≥ ∞ ct	67, 724 19, 489 6, 758
(a) Total	1,968	13, 179	10,716	33,005	3,661	168	918.0	1,020	10,023	3	100, 333
3. Value of property destroyed— (a) Young forest growth (b) Standing timber (c) Forest products. (d) Other property.	≈ 3,206 3,206 1,415	8 6, 111 4, 465 705 1, 643	\$25,583 14,088 3,090 2,506	23, 296 22, 206 38, 356	* 7,013 13,463 2550 445	\$ 136 465	1,025 1,025 188 212	8. 8.3 430 52 165	8 9.551 1,780 7,560 2,201	3,947 2,400 28,928	66, 165 66, 165 36, 457 75, 913
(e) Total	7,501	13,224	45,267	149,889	21,171	643	1,540	1,470	21,092	37,047	298,844

Includes Esquimalt and Nancimo and Kettle Valley Railways.

 (c) Includes Dominion Atlantic, Fredericton, and Grand Lake Coal and Railway, and Quebec Central Railway.
 (d) Includes Canadian National Railway Lines subject to the Board's jurisdiction. Excludes Canadian Government Railways. Transcontinental, Interedomial. (S)

(d) Includes Halifax and South Western Railway. and Hudson Bay Railways)

(c) Includes following lines: Algeona Eastern; Atlantic, Quebec, and Western; Cumberland Railway and Coal Co.; Quebec, Montreal, and Southern; Quebec Nores. No fires were reported during 1920 as originating within 300 feet of track along the following lines: Boston and Maine; New Brunswick Coal and Railway: Maine Central; Ottawa and New York; Western Power Company of Canada. Oriental; Temiscouta; and White Pass and Yukon.

Class A fires are those which cover an area of less than one-fourth acre. Class B fires are those which cover an area of one-fourth acre or more.

#### OIL FUEL

During the past year, the use of oil as locomotive fuel was continued on 1,244 miles of track, distributed as follows: Canadian National Railways (Grand Trunk Pacific Railway) between Prince George and Prince Rupert, 468 miles; Canadian Pacific Railway, British Columbia District, between Field and Kamloops, also between North Bend and Vancouver, and on the Arrow Lake and Okanagan Subdivisions, a total of 462 miles; Great Northern Railway lines in southern British Columbia, 115 miles; Esquimalt and Nanaimo Railway on Vancouver Island, 199 miles.

Recent reports are to the effect that the use of oil as locomotive fuel is to be abandoned, and a reversion to coal fuel is to be effected on the following portions of the lines indicated in the foregoing paragraph: Canadian Pacific, all lines except between Field and Revelstoke; Great Northern, all lines in southern British Columbia.

On the Canadian Pacific, between Revelstoke and Kamloops, it is announced that oil fuel will be continued on passenger engines, while coal fuel will be in use on freight engines.

Arrangements are to be made for special fire patrols on lines through forested territory where the use of oil fuel is to be discontinued in whole or in part.

#### COAL FUEL

The considerable increase in the number of fires set by sparks from locomotives may properly be attributed in part to a general lowering in the quality of locomotive fuel now used, more particularly on western lines, where there has been a much greater use of free-burning, light-bodied, non-coking coals. The logical remedy for this situation is, however, not the enforced discontinuance of this class of fuel, but the development of a fire protective device for locomotive front ends that will enable such fuel to be used with safety. On the other hand, pending such action, the use of these coals as locomotive fuel should be restricted to the winter months, so far as available supplies of the heavier grades of coal, possessing coking qualities, will permit. So far as action along these lines is impracticable, the obvious remedy is intensified fire patrol.

One specific complaint was received to the effect that lignite coal was being burned as locomotive fuel. On investigation it was found that a mixture of light-bodied non-coking coals together with higher grade coal was being used in which the

percentage of low grade coals was excessive.

#### FIRE PROTECTIVE APPLIANCES ON LOCOMOTIVES

During the fire season, 2,269 inspections of fire protective appliances on locomotives, operating through forested territory, were made by officers of the Fire Inspection Department. Of this total, the fire protective appliances on 406 loco-

motives, or 17.89 per cent, were found to be in a defective state.

The Master Mechanics front end will not entirely prevent the setting of fires by locomotive sparks, even when in perfect condition. This situation is rendered doubly serious when free-burning, light-bodied, non-coking coals are used as locomotive fuel during periods of extreme drought, as has been the case in the West, particularly during 1920. The summer use of such fuel was made necessary by the fact that adequate supplies of other grades could not be secured. There is the most urgent need for the development of a front-end appliance that will render safe the use of the class of coals in question; these coals are excellent from the viewpoint of steaming qualities, but they spark excessively.

The following summary indicates the number of locomotives inspected and the number found defective on the more important lines:-

# SUMMARY OF INSPECTION OF LOCOMOTIVES, 1920.

Railway	Province	Number Inspected	Number Defective	Per Cent Defective
Canadian Pacific Canadian Pacific Canadian Pacific Canadian Pacific Canadian Pacific Canadian National Canadian National Canadian National Grand Trunk Grand Trunk Grand Trunk Grand Trunk Canadian National Grand Trunk Grand Trunk Grand Trunk Grand Trunk Grand Trunk Grand Trunk Algoma Cantral and Atlantic, Quebec and Western Algoma Central and Hudson Bay Algoma Eastern Great Northern Kettle Valley Edmonton, Dunvegan and British Columbia	Quebec. Ont. Western lines. Quebec. Ontario. Western lines. Quebec. Ontario. Prairie Provinces and British Columbia. Quebec. Ontario. Ontario. British Columbia. British Columbia.	44 338 245 26 214 165	55 6 110 7 1 25 37 1 11 61 4 3 13 14 24	76.4 4.9 17.5 7.2 2.2.2 7.4 15.1 3.8! 5.1 37.0 40.0 12.0 52.0 51.8 54.5

#### RIGHT OF WAY CLEARING

Systematic clearing of rights of way was carried on throughout the year, though to less extent than should have been the case. Very little progress was made, for example, on the Ontario lines of the Canadian National Railways.

During the year several specific complaints were received as to unsatisfactory conditions existing upon certain portions of the rights of way of following lines: Canadian Pacific Eastern Lines, Piles and St. Maurice subdivisions; Canadian National Eastern Lines, Batiscan and Jonquiere subdivisions; Canadian National Western Lines, Brazeau subdivision; Grand Trunk Pacific, Fraser subdivision; Kettle Valley and Great Northern Railways. In each case, the matter was taken up directly with the Company concerned which usually resulted in instructions being issued and action being instituted to have the necessary work proceeded with. Considerabale right of way clearing work was carried out by the Canadian Pacific Railway on the Calgary subdivision through the Rocky Mountains Park, also by the Canadian National Railway and Esquimalt and Nanaimo Railway on their Vancouver Island lines.

Early in the year, the railways issued special instructions to their employees, with respect to spring burning off of rights of way, and a large amount of this class of work was accomplished. In some districts the work was greatly handicapped by extreme dry weather and high winds.

# COMPLAINTS RE RIGHTS OF WAY

Failure to remove noxious weeds from right of way in accordance with section 279, Railway Act, 1919:—

Canadian	Pacific I	Railway								
Canadian Canadian	National	Railway	0 0	 		 	 	 	 	 1
	,	· Louisway,			 	 	 	 	 	 1

#### FIRE GUARD REQUIREMENTS

During 1917, 1918, and 1919, the several companies concerned were granted optional authority to handle the fire-guarding of wild lands and fenced grazing lands on the basis of an eight-foot ploughed strip instead of a sixteen-foot ploughed strip on certain specified territory in the Prairie Provinces.

This modification of the fire-guard requirements was purely on an experimental basis, to determine what reduction in the cost of ploughing fire-guards could be made consistent with public interest and safety. The experiments having proved satisfactory, the fire-guard requirements were revised and amended accordingly, and reissued under date of April 20, 1920.

Under this revision, authority is granted to the respective companies to exercise the option of handling the construction of fire-guards in wild lands and fenced grazing lands on the basis of an eight-foot ploughed strip instead of a sixteen-foot ploughed strip, it being clearly understood that this option shall be exercised only where, after examination, the company is of the opinion that such action can be taken with reasonable regard for the public interest. This optional authority is subject to the following provisos: First, that each company concerned shall notify the Chief Fire Inspector as to the portions of lines where ploughing of fire-guards in wild lands and fenced grazing lands is to be on the basis of an eight-foot ploughed strip; second, that reports shall be submitted to the Chief Fire Inspector monthly, respecting all fires which originate within 300 feet of track in territory where the fire-guarding of wild lands and fenced grazing lands is on the basis of an eight-foot ploughed strip.

Such optional authority does not apply to the Edmonton, Dunvegan and British Columbia Railway west of mileage 228 from Edmonton, or to certain specified portions of the Canadian Pacific Railway lines in southern Alberta, where the ploughing of sixteen-foot guards is still required.

Railway companies were also required to post public notices throughout cultivated sections within the provinces of Manitoba, Saskatchewan and Alberta at public road crossings and stations, notifying land owners and occupants as to the requirements for the ploughing of fire-guards in grain stubble, cultivated hay and grass lands.

# FIRE-GUARD STATISTICS

The Statistical fire-guard report for 1920 shows 14,210.60 track miles of railway lines in the Prairie Provinces subject to the fire-guard requirements, an increase of 54.30 miles over 1919. This is equivalent to 28,621.20 fire-guard miles, since fire-guards are required to be maintained on both sides of the track. The report indicates that 9,101.91 miles of fire-guards were constructed or maintained during the past year, and 19,519.29 miles were, for various reasons, not constructed. Of this, there were exempted by this department 8,550.74 miles; owner of land refused to allow construction, 80.16 miles; land already ploughed, 3,065.15 miles; grain stubble and cultivated hay lands not fire-guarded by owner, 5,630.11 miles. Thus, as to a total of 17,326.16 miles of fire-guards not constructed, the reasons assigned by the companies were considered acceptable, leaving 2,193.13 miles unaccounted for, but which presumably should have been fire-guarded.

SUMMARY of fire goard construction and maintenance by railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1920.

	Edmon- ton, Dunvegan and British Columbia	Northern	Grand Trunk Pacific	Canadian National	Canadian Pacific	Totals
Length in track milesLength in fire guard miles <sup>1</sup>	406·80 813·60		2,005·00 4,010·00		6,410·92 12,821·84	
guard miles)—  (a) Grain stubble lands.,\Fireguarded (b) Cultivated hay lands\) by owner. (c) Fenced grazing lands	0.40	1.50	$30.40 \\ 534.10$	139·60 467·90 771·30	$306 \cdot 60$ $1,395 \cdot 05$ $1,811 \cdot 20$	516·60 2,446·45 3,012·10
fire guard miles)— Exemptions <sup>2</sup> Owner refuses to allow construction <sup>3</sup> Unnecessary; hand already plowed <sup>4</sup> (a) Grain stubble lands) Not fire- (b) Cultivated hay lands guarded by	37.10	30.00	$1,034 \cdot 80 \\ 1 \cdot 00 \\ 393 \cdot 50 \\ 950 \cdot 70 \\ 3 \cdot 50$	8.60 1,073.90 2,146.80	70·56 1,588·75 2,091·41	80·16 3,065·15 5,226·01
Miscellaneous other reasons Total miles of fire guards not constructed	16·99 813·20					

<sup>1</sup> Fire guard mileage is double the track mileage, since the construction of fire guards is required on

#### COMPLAINTS RE FIRE GUARDS

The following specific complaints	s were	received	during	the	year	1920:	
Failure to plough and maintain f Canadian National Railway.							1
Owner refuses to permit ploughir Canadian Pacific Railway	ne of fi	ra omarde.					1

One application was received from the Canadian Pacific Railway under clause 4, se than 'D' of the Fire Guard Requirements, requesting permission to enter upon land for the purpose of constructing fire-guards, where the land owner refused to allow such construction. On being investigated the matter was arranged amicably.

Respectfully submitted,

CLYDE LEAVITT. Chief Fire Inspector.

<sup>&</sup>lt;sup>2</sup> Company exempted from fire guard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

<sup>3</sup> Employees of railway company refused permission, by owner, to enter upon land for purpose of con structing fire guards.

<sup>&</sup>lt;sup>4</sup> Fire guarding unnecessary, because fields already plowed.
<sup>5</sup> Fire guarding in grain stubble and in cultivated hay lands required only where the land owner or occupant would undertake to plow guard at the reasonable price specified by the Board.

# APPENDIX "E"

# THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

# RECORD ROOM

List of cases appealed to the Supreme Court of Canada, from February 1, 1904, to December 31, 1920

File No.	Subject	Decision
1114	Montreal Terminal Railway v. Montreal Street Railway, Pius IX Avenue,	
1492	Montreal. Question of jurisdiction.  James Bay Railway v. Grand Trunk Railway crossing. Belt line spur.	Allowed.
383	Question of lawOttawa Electric Railway and City of Ottawa v. Canada Atlantic Railway,	Dismissed.
	re Bank Street subway. Question of law	Dismissed.
1621	Toronto Railway Co., re Order of Board No. 7813 of July 3, 1909, re high level bridge over the Don Improvement and tracks of Canadian Pacific Railway and Grand Trunk Railway, Toronto. Question	
. 588	of jurisdiction	Dismissed.
	iurisdiction	Dismissed.
C. 1680	Essex Terminal and Windsor, Essex and Lake Shore Railroad crossing township of Sandwich, Ont. Question of law	Dismissed.
C. 1309 689	Robinson v. Grand Trunk Railway, two cent rate. Question of law Canadian Pacific Railway v. Grand Trunk Railway re branch line at	Dismissed.
1497		Dismissed.
	Question of jurisdiction	Dismissed.
9527	Montreal Street Railway re rates, Montreal Royal Ward. Question of jurisdiction.	Allowed,
C. 4719	Ontario Department of Agriculture v. Grand Trunk Railway re station at Vineland, Ont. Question of jurisdiction.	Dismissed.
C. 3322	Re Toronto Viaduct. Appeal of Canadian Pacific Railway on question	
C. 4897	of law	Dismissed.
C. 4492	City of Toronto v. Grand Trunk Railway and Canadian Pacific Railway	Allowed.
3378 C. 2545	re commutation rates. Question of law	Withdrawn.
13079	Question of jurisdiction.  Grand Trunk Railway v. Canadian Northern Ontario Railway re spur in	Dismissed.
	Township of Scarboro, Ont. Question of judisdiction	Dismissed.
C. 3269	Grand Trunk Railway v. British American Oil Companies re oil rates.  Question of law	Dismissed.
1519	Grand Trunk Pacific Railway v. City of Fort William, re location.  Question of jurisdiction.	Dismissed.
11965	Question of jurisdiction  Niagara, St. Catharines and Toronto Railway v. Davy. Question of jurisdiction.	Allowed.
9527	Montreal Street Railway (Montreal, Park and Island Railway) re rates,	Allowed.
15580	Mount Royal Ward. Question of jurisdiction	Allowed.
	Railway and the Clover Bar Sand and Gravel Co. Question of jurisdiction	Allowed.
12682 17963	Regina Rates Case. Question of law	Dismissed.
	Question of jurisdiction.  Canadian Pacific Railway v. British American Oil Companies. Question	Dismissed.
C. 3269	of jurisdiction	Dismissed.
15330 15330·1	Grand Trunk Railway and Canadian Pacific Railway v. Canadian Oil Companies. Question of jurisdiction	Dismissed.
20062 27095	British Columbia Electric Railway Company, Vancouver, Victoria and Eastern Railway v. City of Vancouver, B.C. Question of jurisdiction.	Dismissed.
20c-		

List of cases appealed to the Supreme Court of Canada, etc.—Concluded.

	1 May 10	
File No.	Subject	Decision
18578 19435 14329-9 23009 21428 12021-70 9437-135 C.* 3935 16171	E. B. Chambers and W. B. G. Phair v. Canadian Pacific Railway.  Question of jursidiction  Canadian Northern Railway Company v. Wm. A. Taylor. Question of lation  Grand Trunk Railway v. City of Edmonton. Question of law.  Montreal Tramways and Montreal Park and Island Railway v. Lachine,  Jacques Cartier and Maisonneuve Railway. Question of jurisdiction  City of Hamilton v. Toronto, Hamilton and Buffalo Railway. Question of jurisdiction  Grand Trunk Railway v. Hepworth Silicia Pressed Brick Company.  Grand Trunk Railway v. Hepworth Silicia Pressed Brick Company.  Toronto Railway Company, and City of Toronto v. Canadian Pacific Railway. Question of law and of jurisdiction  City of Edmonton v. Edmonton and Calgary Railway. Question of law. Ingersoll Telephone Company (and other independent telephone companies,)  v. Bell Telephone Company. Question of law.  Grand Trunk Railway v. H. Bourassa, of La Prairie, Que. Questions of law and jurisdiction  Great North Western Telegraph Company, submits for opinion of the Court, a question of law involved in matter of general Order. No. 162.  Government of Manitoba and J. H. Ashdown Hardware Co. re 15 per cent increase in freight rates. Question of jurisdiction  Canadian Pacific Railway v. Ontario Department of Public Works, re crossings in Township of Kirkpatrick. Question of law.  Lequimalt and Nanaimo Railway re rights of City of Victoria to have access over bridge at Victoria Harbour. Question of jurisdiction  Ment of the standay of the Court of Barnhyn of the Court of the Court of the communication of the court of th	Allowed.  Allowed.  Dismissed.
	SUMMARY	
	Distrissed A. oxid. Mon. Jonel. Williamon. Pending. Total	10 4 3 1

# List of appeals to the Governor-in-Council, February 1, 1904, to December 31, 1920.

File No.	Subject	Decision
399	Bay of Quinte Railway crossing Canadian Pacific Railway at Tweed, Ont.	Dismissed.
1455	James Bay Railway v. Grand Trunk Railway crossing near Beaverton, Ont.	Dismissea.
1781	Grand Trunk Railway v. City of Chatham, Ont., street crossings	Dismissed.
12992	Maniwaki Branch of Canadian Pacific Railway train service from Ottawa.	
2030	Re tariffs of certain Yukon Railways	Dismissed.
17716	Canadian Pacific Railway Longue Pointe spur through town of Maison-	T
10707	neuve, Que	
$18787$ $3452 \cdot 30$	South Hazelton Townsite v. Grand Trunk Pacific Railway	Allowed.
12912	Park Avenue Subway, Town of St. Louis v. Canadian Pacific Railway	
17040		Abandoned.
C. 3322	Toronto Viaduct Case	
$2021 \cdot 70$	City of Toronto re Toronto North grade separation	Dismissed.
16177	Canadian Pacific Railway v. Mountain Lumber Manufacturers Association,	5771.2 2
19024	re lumber rates	Withdrawn.
19024	Prince George, B.C	Dismissed.
716.10	Canadian Pacific Railway v. Town of Maisonneuve, Que., highway	Distillissed.
	crossings.	Dismissed.
$2681 \cdot 25$	City of Montreal v. Canadian Northern Railway siding across Stadacona	
01110	and Marlboro streets, Montreal, Que	Abandoned.
21418	City of Prince George, B.C. re location of Grand Trunk Pacific Railway station between Oak and Ash Streets.	Dismissed.
21660	Canadian Northern Ontario Railway v. Township of Loughboro, Ont	Dismissed.
26169	Canadian Pacific Railway and Canadian Northern Railway Companies,	Distillasca.
	re interswitching at Eastern Public Cattle Market, Montreal	Abandoned.
17040	Canadian Pacific Railway re Lambton to Weston Spur (2nd appeal)	
27693	City of Hamilton v. Grand Trunk Railway re passenger service on North-	
	ern and N. W. Branch, between Hamilton and Burlington Beach	Abandoned.
27840	and Town of Burlington, Ont	Dismissed.
28439.3	Town of St. Lambert, Que. re increase in rates on the Montreal and Southern.	TO ALUMENTO CAR
	Counties Railway	Dismissed.
28230	City of Hamilton, Ont. re Kinnear Yard, Hamilton	Referred back.
29040 · 2	National Dairy Council of Canada on behalf of Canadian Association of	Defensed heet
C. 955	Ice Cream Manufacturers, re classification of ice cream  Proprietors' League of Montreal re increase in telephone rates	Referred back. Dismissed.
30434	City of Windsor, Ont., for Order rescinding Order of the Board No.	Disillissed.
30101	30028, authorizing Canadian Pacific Railway to construct tracks to	
	proposed freight shed at grade across unopened portion of Caron	
	Avenue, Windsor	Dismissed.

Dismissed	1
Referred back4	
bandoned4	
llowed	
Vithdrawn 1	
077	
Total 27	

# APPENDIX "F"

UST OF GENERAL ORDERS AND CIRCULARS OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1920.

# GENERAL ORDER NO. 277

In the sult r of individing changes in tolls in freight, passenger, express, telephone, and telegraph schedules.

File No. 19907

in purseaute of the powers conferred upon the Board by Section 324 of the William Art. 1940; and upon the report and recommendation of the Chief Traffic

Officer of the Board,-

It is noted: That treight, passenger, express, telephone, and telegraph tariffs, and supplements thereto, applying between points in Canada, or from a point in Canada to a coreign country, hereafter filed with the Board, shall, except as hereins for movaled, indicate advances thereby made by the symbol "A" and reductions by the symbol "R," with the necessary explanatory note, in the following manner, namely:—

T. In alladules which show the rates opposite the stations: The proper symbol to be shown against each rate, or each rule or regulation, changed.

". In securities in which the rates appear in a table separated from the station

list:-

- tar Unless the station groupings have been varied relatively to their rates; the proper rembol to be shown in the rate table in the manner prescribed in Section 1 hereof;
- the 11 the station groupings have been varied relatively to their rates; the proper symbol to be shown against the reference on the station page to the rate table, and against each rule or regulation changed.

Provided that if the columns of rates are so close together as to leave insufficient space for the symbols, and in such cases only, increases shall be printed in full-face

type, and reductions in italies, with the necessary explanatory note.

Provided, also, that if it is found impracticable to indicate changes in a schedule by either of the methods herein prescribed, application may be made to the Board, accompanied by a printer's proof of the proposed schedule, for relief from the provisions of this order in such case.

And it is also ordered: That the character of the schedule be shown at the top of the title page, thus:—

" Advance"

"Reduction"

"Reissue"

"New Rate (or Rates)"

and so on, as the case may be.

And it is further ordered: That the General Order of the Board No. 275, dated the 16th day of December, 1919, be, and the same is hereby, rescinded.

F. B. CARVELL.

OTTAWA, December 29, 1919.

Chief Commissioner.

# GENERAL ORDER NO. 278

In the castler of Section 360 of the Railway Act, 1919, and the tariffs of express companies.

File No. 4214.648.

It is order d. That, subject to such order or orders as the Board may from time to time issue, all express companies within the legislative authority of the Parliament

of Canada be, and they are hereby authorized to charge the express tolls published in their respective tariffs filed with the Board.

OTTAWA, January 3, 1920.

S. J. McLEAN,

Assistant Chief Commissioner.

# GENERAL ORDER NO. 279.

In the matter of the complaint of the Vinemount Orchard Company, of Vinemount, in the Province of Ontario, against the rate on fresh fruits to Winnipeg, in the Province of Manitoba, as shown in the Canadian Freight Association's Special Commodity Tariff C.R.C. No. 19, effective August 20, 1918.

File No. 26848.1.

Upon hearing the submissions of the freight traffic manager of the Canadian Pacific Railway Company, on behalf of the railway companies interested herein, at the sittings of the Board held in Ottawa on the 16th day of September 1919, the Canadian Pacific and Grand Trunk Railway Companies, the Canadian National Railways, the Canadian Freight Association, and the Fruit Branch of the Dominion Department of Agriculture being represented at the hearing, and what was alleged; and upon the report of the Chief Traffic Officer of the Board, and reading the written submissions subsequently filed on behalf of the Fruit Commissioner of the said department; and it appearing that the said tariff contravenes the order of the Board dated October 10, 1904, in the complaint of the Ontario Fruit Growers' Association, and the order of the Board No. 8207, dated September 27, 1909, dismissing the application of the Canadian Freight Association for an order rescinding the said order of October 10, 1904,—

It is ordered: That the Canadian Freight Association's Tariff C.R.C. No. 19,

effective August 20, 1918, be, and it is hereby, disallowed.

And it is further ordered: That the Canadian Freight Association, in virtue of the authority thereupon conferred by powers of attorney of the railway companies interested herein, forthwith publish and file a tariff restoring the rates on fresh fruits from points in Ontario and Quebec to Winnipeg, Portage la Prairie, and Brandon, in the province of Manitoba, prescribed in the said order of the Board, dated October 10, 1904, as increased by authority of the order of the Board No. 212, dated January 15, 1918, and as further increased by Order in Council No. P.C. 1863, dated July 27, 1918; the said increases having been continued in effect by the General Order of the Board No. 276, dated December 31, 1919.

F. B. CARVELL,

Chief Commissioner.

OTTAWA, January 5, 1920.

# GENERAL ORDER NO. 280

In the matter of the General Order of the Board No. 188, dated April 23, 1917, approving regulations for the uniform maintenance of way flagging rules for impassable track, and General Orders Nos. 216 and 248, amending the same; and the direction of the Board that that part of the said Orders affecting flagging other than manual flagging stand for further consideration:

Files Nos. 4135.44 and 4135.25.

Such further consideration having been had,-

It is ordered: That the said General Order No. 248, dated August, 19, 1918, be, and it is hereby amended by striking out Regulation 9 on page 2 of the Order and substituting therefor the following, namely:

"9. That a signal of a serviceable type, to be approved by the Board, be used to display the signals directed to be provided under Rules 3 (b) and 6 (Yellow Signal) of this Order and Rule 35 (Yellow Signal) of the Uniform Code of Operating Rules."

F. B. CARVELL,

OTTAWA, December 23, 1919.

Chief Commissioner.

## GENERAL ORDER NO. 281:

In the matter of application No. 2, dated December 30, 1919, of the Railway Association of Canada, under Section 345 of the Railway Act, 1919, for permission to issue free or reduced rate transportation to the classes of persons specified in the application.

File No. 496.26

Upon reading the application, and considering what was filed in support thereof,—
It is entered: That railway companies within the legislative authority of the Parliament of Canada be, and they are hereby, permitted, until further order, to issue free or reduced rate transportation to the following classes of persons, namely:—

Private secretaries of ministers of the Dominion Government, including the

private secretary of the Leader of the Opposition.

Оттаwa, January 12, 1920.

F. B. CARVELL, Chief Commissioner.

#### GENERAL ORDER NO. 282

In the matter of the General Order of the Board No. 25, dated January 25, 1909, prescribing the lighting systems to be used on each and every car requiring lighting on the railway, or portion of railway, operated by every railway company subject to the legislative authority of the Parliament of Canada.

File No. 29449

Upon reading what is filed on behalf of the Canadian Pacific, Grand Trunk, and Grand Trunk Pacific Railway Companies, the Wabash and Michigan Central Railroad Campanies, and the Canadian National Railways, and the report and recommendation of the Mechanical Expert of the Board, concurred in by its Chief Operating Officer.

It is at level: That the said General Order of the Board No. 25, dated January 25, 1909 be, and it is hereby, amended by adding after sub-clause (3) of clause (h),

paragraph 3, the following, namely:-

"4. That in all cases of derailment or accidents to passenger cars lighted with Pintsch Gas or Commercial Acetylene, the supply of gas must be shut off, if possible, by closing the stud valves in storage tanks underneath the body of the car. Arrangements must be made to place a key securely in the gauge is a underneath the car where it will readily be accessible. Instructions must be issued to train and wrecking crews to govern this matter, so that there will be no misunderstanding in case of accident."

F. B. CARVELL.

OTTAWA, January 29, 1920.

Chief Commissioner.

# GENERAL ORDER No. 283

In the matter of Track Scale allowances; also of "Tolerance."

File No. 8799.1

Upon hearing the matter at the sittings of the Board held in Ottawa, March 18, 1913, Vancouver, May 19, 1913, Calgary, May 26, 1913, Edmonton, May 27, 1913, Regina, May 29, 1913, Winnipeg, May 30, 1913, and Fort William, June 4, 1913, the Canadian Pacific, Grand Trunk, Grand Trunk Pacific, Canadian Northern, Canadian Northern Quebec, and Ottawa and New York Railway Companies, the Canadian Freight Association, the Canadian Manufacturers' Association, the Canadian Lumbermen's Association, the Boards of Trade of Montreal, Toronto, Edmonton, Winnipeg and Regina, the British Columbia Lumber and Shingle Manufacturers, and the Massey-Harris Company, Limited, being represented at the hearings, and what was alleged; and upon reading the further written submissions filed,—

It is ordered: With respect to freight traffic referred to herein, carried between points in Canada, that railway companies subject to the jurisdiction of the Board publish and file tariffs to provide for the following allowances per car from the ascertained gross weights of loaded cars; subject to the condition that the said allowances shall not operate to reduce the net weights of the ladings of the cars below the minimum carload weights provided for in the tariffs applicable thereto:—

- 1. For temporary or permanent racks on flat or gondola cars loaded with bark, provided the weight of the racks is not included in the stencilled tare of the car, 1,000 pounds.
  - 2. For temporary protectives as follows, namely:

(a) Blockage, dunnage, or temporary racks, in connection with carload shipments of agricultural implements, machinery, stoves, acid in carboys, and vehicles of all descriptions—Actual weight, but not more than 650 pounds; the shipper to certify to the weight of the said protectives on the shipping order and bill of lading.

(b) Temporary racks, stakes, standards, strips, braces, or supports in connection with carload shipments of commodities, other than those specified above, requiring such provision for safe transportation when loaded on flat or gondola cars—Actual weight when ascertainable, but not more than 500 pounds; the shipper to certify to his ascertained weight of the said protectives on the shipping

order and bill of lading.

- 3. For lumber used by shippers in lining box (not refrigerator) or stock cars for shipments of perishable freight—Actual weight, but not more than 800 feet, board measure, at 2½ pounds per foot; the shipper to certify to the measurement of the lumber so used on the shipping order and bill of lading. Also, a further allowance of the actual weight, but not exceeding 500 pounds, of the stove and fuel, if furnished by the shipper.
- 4. For foreign matter not part of the lading, such as snow, ice, manure, or refuse, in or on cars at the time of weighing—an estimated allowance adequate to the actual conditions in each case.

And it is also ordered: That, irrespective of the aforesaid allowances, the tariffs of the said railway companies include the following definition and directions, namely:—

For "townser," that is to say, variations in weights disclosed in check-weighing or re-weighing passed without alteration of the billed weight:—

(a) On ashes, brick, cinders, clay, drain tile (soft), dolomite, ganister, gravel, mill scale, ore, sand, slag, stone (all kinds except "cut"), and other similar bulk freight, loaded on flat or open-top cars—one per cent of the weight of the lading, but not less than 1,000 pounds per car.

(b) On all other freight (including coal and coke) the weight of which is not subject to change from its inherent nature—one per cent of the weight of

the lading, but not less than 500 pounds per car.

F. B. CARVELL, Chief Commissioner.

Ottawa, February 24, 1920.

## GENERAL ORDER No. 284

the railway companies subject to the jurisdiction of the Board, for an Order rescinding the General Order of the Board No. 173, dated October 26, 1916, and authorizing the said railway companies to publish and file charges for the use of heated refrigerator cars on the basis of 1½ cents per car per mile, with a minimum charge of \$2 per car, in addition to the regular freight charges.

File No. 18855.11

Upon hearing the matter at the sittings of the Board held in Toronto, April 13, 1917; Ottawa, April 17, 1917; Regina, June 21, 1917; Vancouver, November 21, 1909; Calmay, November 27, 1919; Edmonton, November 28, 1919; Saskatoon, November 2, 1919; Regina, December 1, 1919; Winnipeg, December 2, 1919; Fort William, December 3, 1919, and Ottawa, January 7, 1920, in the presence of representatives of the Canadian Freight Association, the Canadian Manufacturers' Association, the Paris of Trade of Toronto Montreal, Winnipeg, Regina, and Calgary, the Ontario Truit Growers' Association, the Nova Scotia Fruit Growers' Association, the British tolumbia Credit and Traffic Association, the Nova Scotia Shipping Association, the Western Canada Fruit Jobbers' Association, the Ontario Vegetable Growers' Association, the Nagara Peninsula Fruit Growers' Association, the Quebec Department of Agriculture, the Canadian Pacific and Grand Trunk Railway Companies, the Canadian National Railways, and the Michigan Central Railroad Company, and what was alleged; and upon reading the further written submissions filed,—

It is ordered: That the said General Order No. 173, dated October 26, 1916, be, and it is hereby, amended to permit increases in the existing charges for heating refrigorator ears by the carriers, in addition to the freight rates pertaining to the ladings thereof, and also in addition to the charges, if any, for the use of the said cars, as follows:—

- (a) Between points west of and including Port Arthur, Ont.; also between a ints east of and including Westfort, Ont., from one cent per car per mile, subject to a minimum total charge of \$2 per car, to not more than 1½ cents per car per mile, subject to a minimum total charge of not more than \$2 per car.
- Prom points east of Port Arthur to points west of Westfort, and from points west of Westfort to points east of Port Arthur, the maximum charges authorized by the said General Order No. 173, when increased not more than 50 per cent to apply.

And it is also ordered: That the tariffs to give effect to this Order may be published and filed not less than seven days previously to the date, or dates, on which they are intended to come into force.

Оттаwa, March 8, 1920.

S. J. McLEAN,
Assistant Chief Commissioner.

# GENERAL ORDER NO. 285

In the matter of the application of Canadian Manufacturers' Association for an Order directing the extension of the Canadian Car Demurrage Rules, so as to provide for what is known as the Average Demurrage plan.

File No. 3775.3

Upon hearing the matter at the sittings of the Board held in Toronto, April 25, 1911, Vancouver, May 19, 1913, Calgary, May 26, 1913, Edmonton, May 27, 1913, Regina, May 29, 1913, Winnipeg, May 30, 1913, Fort William, June 4, 1913, and Ottawa, June 16 and 17, 1913, in the presence of representatives of the Canadian Manufacturers' Association, the Canadian Retail Coal Dealers' Association, the Canadian Lumbermen's Association, the Canadian Car Service Bureau, the Montreal Lumber Association, the Montreal Grain Exchange, the Boards of Trade of Toronto, Vancouver, Calgary, Edmonton, Regina, Winnipeg, and Montreal, the Canadian National Railways, the Canadian Pacific, Grand Trunk and Grand Trunk Pacific Railway Companies, the Michigan Central and Père Marquette Railroad Companies, Winnipeg shippers, the Great West Saddlery Company, Limited, the Winnipeg Sandstone Brick Company, Limited, D. Ackland & Sons, the Manitoba Bridge and Iron Works, the Dominion Bridge Company, the Beaver Soap Company, the Vulcan Iron Works, the J. D. Clark Billiard Company, the Winnipeg Cabinet Factory, Parker Whyte, Limited, the Alaska Bedding Company, the Canadian H. W. Johns-Manville Company, Limited, the Manitoba Linseed Oil Mills, the Martin-Senour Company, Limited, the Canada Cement Company, the Alsip Brick Tile and Lumber Company, the Canadian Carbon Company, the Winnipeg Steel Granary and Culvert Company, Limited, the Gurney Northwest Foundry Company, the Winnipeg Paint and Glass Company, the Manitoba Gypsum Company, the Perfection Concrete Company, George Gale & Sons, and the Anthes Foundry, Limited, and what was alleged; and upon reading the further written submissions filed,-

It is ordered: That the application be, and it is hereby, refused.

S. J. McLEAN,

OTTAWA, March 2, 1920.

Assistant Chief Commissioner.

# GENERAL ORDER NO. 286

In the matter of Section 375, subsection 2, of the Railway Act, 1919, and the tariffs of telephone companies; and the Order of the Board No. 21167, dated January 5, 1914, as amended by Order No. 26969, dated February 4, 1918, authorizing the Bell Telephone Company of Canada to charge the telephone tolls published in its tariffs filed with the Board.

Case No. 955

It is ordered as follows:

1. That the said Order No. 21167, dated January 5, 1914, as amended by Order No. 26969, dated February 4, 1918, be, and it is hereby, rescinded.

2. That, subject to such order or orders as the Board may from time to time issue, all telephene companies within the legislative authority of the Parliament of Canada be, and they are bereby, authorized to charge the telephone tolls published in their respective tariffs filed with the Board.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, March 4, 1920.

## GENERAL ORDER No. 287

In the matter of the General Order of the Board No. 203, dated August 11, 1917, approxima the Regulations for the transportation by freight of Dangerous Articles other than Explosives, as amended by General Orders Nos. 206, 207, and 260, dated respectively September 7, October 26, 1917, and March 17, 1919.

And in the matter of the application of the People's Gas Supply Company, Limited, for on Order repealing or amending the second paragraph of Rule 1861 (j) of the Regulations aforesaid.

File No. 1717.1.

Upon hearing the matter at the sittings of the Board held in Ottawa, June 10, 1919, the People's Gas Supply Company, Limited, the Canadian Railway War Board, the Eurean of Explosives, the Compressed Gas Manufacturers' Association, L'Air Liquide Society, and the Commercial Acetylene Supply Company, Inc., being represented at the hearing, and what was alleged,—

It is Ordered: That the said General Order No. 260, dated March 17, 1919, be and it is hereby, amended by striking out the second paragraph (j) of rule 1861, and substituting therefor the following, namely:—

"Cylinders containing acetylene gas must not be shipped unless they were charged by a person, firm, or company having possession of complete information as to the nature of the porous filling, the kind and quantity of solvent in the cylinders, and the meaning of such markings on the cylinders as are prescribed by the Beard's regulations and specifications applying to con-

tainers for the transportation of acetylene gas.

"That every manufacturer of cylinders for the shipment of acetylene gas in Canada shall file with the inspector of the Bureau of Explosives at Toronto complete information as to the nature of the porous filling, the kind and quantity of salvent in the cylinders, and the meaning of such markings on the cylinders as are prescribed by the Beard's regulations, together with the serial numbers of the cylinders using a particular kind of filler; and that, upon application of any manufacturer of acetylene gas to the Bureau of Explosives for information necessary to enable him to comply, in the recharging of the same, with the regulations of the Board, the same shall be furnished."

S. J. McLEAN, Assistant Chief Commissioner.

OTTAWA, March 22, 1920.

# GENERAL ORDER No. 288

In the matter of Section 372 of the Railway Act, 1919, for the carrying of wires and cables along or across the track of railway companies under the jurisdiction of the Board; and the application of the Canadian National Railways for an Order amending the Standard Conditions and Specifications for Wire Crossings, approved by the General Order of the Board No. 231, dated May 6, 1918, as amended by General Order No. 267, dated June 27, 1919.

Case No. 4704

Upon reading what is filed in support of the application, the Canadian Pacific and Grand Trunk Railway Companies concurring therein,—

It is ordered: That the said Standard Conditions and Specifications for Wire Crossings, as approved by the General Order of the Board No. 231, dated May 6, 1918, be, and they are hereby, amended by striking out paragraph 4 of part I of the said conditions and specifications, and substituting therefor the following, namely:—

- "4. The applicant, before any work is begun, shall give the railway company owning, operating, or using the said railway at least seventy-two hours prior notice thereof in writing; and the said railway company shall be entitled to appoint an inspector, under whose supervision such work shall be done, and whose wages, at a rate not to exceed eleven dollars per day, shall be paid by the applicant; such payment to cover both wages and expenses. When the applicant is a municipality and the work is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company."
- 2. That the General Order No. 267, dated June 27, 1919, be and it is hereby rescinded.

F. B. CARVELL, Chief Commissioner.

OTTAWA, March 23, 1920.

# GENERAL ORDER No. 289

In the matter of the consideration of the adoption by railway companies subject to the jurisdiction of the Board of rules relative to the inspection of locomotives and tenders.

File No. 21351

In pursuance of the powers conferred upon the Board by Section 287 of the Railway Act, 1919, and of all other powers possessed by it in that behalf; and upon reading the submissions filed by The Railway Association of Canada and the Canadian Pacific and Grand Trunk Railway Companies, and the report and recommendation of the Chief Operating Officer of the Board,—

It is ordered: That the railway companies subject to the jurisdiction of the Board adopt and put into force, not later than the first day of June, 1920, the rules relative to the inspection of locomotives and tenders, hereto attached marked "A."

F. B. CARVELL, Chief Commissioner.

OTTAWA, March 24, 1920.

# HIGHS RELATIVE TO THE INSPECTION OF LOCOMOTIVES AND TENDERS

The employee and tender shall be inspected after each trip, or day's work. The employee making the inspection shall report all defects found, in report book. Defects reported which are not repaired before the locomotive is returned to service shall be filed in the office where the inspection is made.

tip by the It must be known before each trip that the brakes on locomotive and under are in sale and suitable condition for service; that the air compressor or com-In the arrive is used; and that all other devices for controlling or regulating the pressure are properly maintained.

and it lease each twelve months thereafter, shall be subjected to hydrostatic pressure not assistant Caper cent above the maximum allowed air pressure. The entire surface of the convoir shall be hammer-tested each time the locomotive is shopped for general repairs, but not less frequently than once each eighteen months.

#### DRAW GEAR AND DRAFT GEAR

The same induced lacounties and tender.—The draw gear between the locomotive and touches, together with the pins and fastenings, shall be maintained in safe and cult ble condition for service. The pins and drawbar shall be removed and caretally a minut for defects not less frequently than once each three months. Suitable mur. Or securing the drawbar pins in place shall be provided. Inverted drawbar

pins shall be held in place by plate or stirrup.

The or more solely bars or safety chains of ample strength shall be not be a safe and tender (except when double drawbars are used), main the in safe and suitable condition for service, and inspected at the same time

draw gear is inspected.

all the chains or safety bars shall be of the minimum length consistent with the curvature of the railroad on which the locomotive is operated.

In I all notion between lecometives and tenders not equipped with spring buffer

shall be kept to a minimum and shall not exceed one-half inch.

Whom spring buffers are used between locomotives and tenders, the spring tall he complete with root less than three-fourths inch compression, and shall at all times be under sufficient compression to keep the chafing faces in contact.

the first term of the local state of the local stat

Droft your. It not gear and attachments on locomotives and tenders shall be securely fastened and maintained in safe and suitable condition for service.

am' which will provide sufficient illumination for the steam, air, and water gauges, the enginemen to make necessary and accurate readings from their usual street in the cab. These lights shall be so located and constructed that light will blee only on those parts requiring illumination. Locomotives used in the shall have an additional lamp conveniently located to enable the persons one; thus he los motive to easily and accurately read train orders and time tables, and so constructed that it may be readily darkened or extinguished.

Lateral motion or play between the hubs of the wheels and the linxur on any pair of wheels shall not exceed the following limits:-

> For engine truck wheels (trucks with swing centres).... 1 For driving wheels (more than 1 pair) not more than..

To limit may be increased on locomotives operating on track where the survature or eads 20 degrees, when it can be shown that conditions require additional stand motion.

Plints shall be securely attached, properly braced, and maintained in a the arm entition for service. The minimum height from the rail 3 inches ....! the maximum 6 inches.

#### GENERAL ORDER No. 290

In the matter of Section 345 of the Railway Act, 1919, and the regulations to be prescribed for the issue and recording of free transportation by railway companies subject to the jurisdiction of the Board.

File No. 496.

Upon reading the submissions filed and the report of the Chief Traffic Officer of the Board .-

# It is ordered as follows:

- 1. That the "Regulations to Govern and Issue and Recording of Free Transportation." by railway companies subject to the jurisdiction of the Board, attached hereto marked "A." be, and they are hereby, approved and prescribed for the use of such companies; and that each and every company be required to issue all free transportation, and keep all free transportation records, in conformity therewith.
- 2. That the said regulations are, and by virtue of this order do become, the lawful rules according to which all free transportation is to be issued and all free transportation records are to be kept.
- 3. That each and every person directly in charge of the free transportation of any such company be, and he is hereby, required to see to, and he is hereby made responsible for, the correct application of the said regulations in the issue and recording of free transportation; and that it shall be unlawful for any such company, or for any person directly in charge of the free transportation of any such company, to issue any free transportation or to keep any free transportation records except in the manner and form in the said regulations set forth and hereby prescribed, and except as hereinafter authorized.
- 4. That the foregoing regulations shall, so far as the same are applicable, apply as well to all free transportation issued by express, telegraph, or telephone companies.

F. B. CARVELL, Chief Commissioner.

OTTAWA, April 12, 1920.

#### 66 A 22

# REGULATIONS TO GOVERN THE ISSUE AND RECORDING OF FREE TRANSPORTATION

1. Each and every railway company subject to the jurisdiction of the Board shall file with the Board, on or before the 1st day of January of each year (a) a list of the names and titles of officers having authority to issue passes and over whose signatures passes will be issued; and (b) a list of the names and titles of officers having the authority to respect to the passes. authority to request passes from other companies. Any change in these lists in the course of the year must be promptly reported.

Names and titles of persons authorized to countersign passes and requests for passes need not be filed with the Board.

2. Requests for passes for or on account of officers or employees of traffic associations, fast freight lines, demurrage and car service bureaus, weighing and inspection bureaus, and other joint agencies maintained by or on behalf of carriers subject to these regulations, for transportation over the lines which are members of such associations, may be made direct on such lines in the same manner as provided for requests for passes for or on account of a carrier's own officers or employees. (See par. 10.) Requests for passes over lines other than member lines must be made in one of the three following methods:

- (a) Requests may be made over the signature of an officer of a member line if such officer's name has been filed with the Board by such member line in compliance with paragraph 1 (b) with the counter signature of an officer or employee of the association.
- (b) Requests may be made over the signature of an officer of the association if such officer's name has been filed with the Board by one or more of the member lines in accordance with paragraph 1 (b) as having authority to request passes on account of the association.
- (c) Requests may be made over the signature of officers of the association if such officers' names have been filed with the Board in accordance with paragraph 1 (b) by the chief officer of the association, provided such chief officer has been delegated authority to so act by the member lines.

3. Each pass must bear either the autograph or facsimile signature of one of the officers named in the list (a) referred to in paragraph 1.

1. Passes hearing facsimile signatures must be countersigned in ink by an officer or responsible subordinate, who must be designated on the face of the pass.

A. The printing of pass stock must be done only upon the requisition of a designate the control of the delivery of the entire stock shall be made to such officer by the printer or stationer. All vouchers covering the cost of pass stock shall be approved by the officer or officers designated before they are carried through the accounts for payment.

A regard of pass stock shall be kept by the officer ordering such stock, for a period and the control of the debit side of the record shall be entered the entire stock received. On the credit side shall be entered all pass stock distributed and the control of the credit side shall be entered all pass stock distributed or control of the credit side shall be entered all pass stock distributed or control of the credit side shall be entered all pass stock distributed or control of the credit side of the credit side of the record shall be entered the entered all pass stock distributed or control of the credit side of the record shall be entered the entered the entered the entered the entered all pass stock distributed or control of the credit side of the record shall be entered the entered all pass stock distributed or control of the credit side of the record shall be entered the entered all pass stock distributed or control of the credit side of the record shall be entered the entered all pass stock distributed or control of the credit side of the record shall be entered all pass stock distributed or control of the credit side of the record shall be entered all pass stock distributed or control of the credit side of the record shall be entered all pass stock distributed or control of the credit side of the record shall be entered all pass stock distributed or control of the credit side of the credit

Unissued pass stock must be filed in such manner as to be accessible and con-

- of the schall be consecutively numbered, without duplication or omission, before a immediately on receipt from the printer or stationer. All passes may be numbered in the time scries, or separate series may be used for each of the general classes, or for each subdivision with lettered prefixes or affixes.
- 8. If a separate stock of passes is provided for each year, the numbering must begin with 0 or 1 at the leginning of the year. If the same stock is to be used for two or more years, the numbering may continue from year to year, commencing with 0 or 1 when desired, but not oftener than once in each calendar year.
- 2. All passes must be filled out in a durable ink, either with pen or typewriter, or by printing, and all the information required on the pass form appearing herein must be shown.
- 10. Requests for passes must be made in writing, except as provided in paragraph 12, by the term as to whom or on whose account passes may be issued, or by a superior or ranking officer or employee in case a request is made for or on account of an employee.

#### FORMS OF REQUEST

- 11. (a) A request for a pass for or on account of a Company's own officer or employer must state the name and address of the officer or employee, his title or occupation, the relationship (if the pass is to be issued to a member of his family), the turnt ev for which, or the points between which, the pass is requested, and the time limit. (See Form 2.)
- (h) A request from another company for a pass for or on account of one of its officers or employees must include, in addition to the information required under (a) above, a statement that the person for whom the pass is requested is not prohibited by law from receiving free transportation. (See Forms 3 and 4.)
- graphs (a) or (b) must set forth clearly, or be accompanied by paper showing, the legality of the issuance of the pass requested.
- 12. In exceptional cases, written requests for passes may be dispensed with, but in such cases the records of passes issued must show the information that is required en written request, and in addition must state upon whose authority the passes were assued and the reasons for dispensing with written request.

13. Requests for passes must be filed in the office in which records of annual for term passes, or the stubs or carbon copies of trip passes, are filed, and in such manner as to be accessible and convenient for examination at any time within three years. The number of passes issued must be noted upon the face of the requests,

14. Telegraph passes may be issued in cases of emergency only, and shall be confined to one way passes. The issuance of telegraph passes shall be over the name of one of the officers named in the list referred to in paragraph 1, or that of one of the countersigning officers referred to in paragraph 4, and only within the territory over which such officers have authority to issue annual, term, or trip passes.

Telegraph passes must be issued either on telegraph blanks, in accordance with Form 5, or on a special printed form of telegraph pass, showing the same data as required on Form 5, but similar in form to trip passes.

Copies of telegraph passes and of the telegrams authorizing issuance of printed forms of telegraph passes must be made by the issuing officer and filed with the stubs or carbon copies of trip passes.

If, after a telegraph pass is issued, a trip pass is substituted therefor, the former should be filed with requests for trip passes as the authority for issuing the latter.

Except as provided in the preceding paragraph, used telegraph passes must be

filed with used trip passes.

- 15. All passes must bear the signature of the users, preferably in ink. On the back of each pass must appear a statement that the holder is not prohibited by law from receiving free transportation, and that the pass will be lawfully used. This statement must be shown among other conditions, if any, and must be subscribed to by the holder. This paragraph shall not apply to telegraph passes.
- 16. A pass issued for a number of persons, without naming each person, such as "John Smith, Section Foreman, and six employees of X. Y. and Z. Railway," "Geo. Jones, wife and two daughters," may be signed only by the person whose name appears
- 17. A pass issued for a number of persons, the names of all appearing on the pass, such as "William Brown and Edgar Moore, Brakemen," or "Chas. Blake, Mrs. Charles Blake, and Miss Mary Blake," must be signed by the users whether the pass is used by one or by more than one of the persons named on the pass.
- 18. A pass issued to a person without giving the name, such as "Pass one extra messenger of the Canadian Express Company when presented with letter, etc.," need not be signed by the user. The letter or identification form which accompanies the pass must be endorsed by the user and collected and filed with collected trip passes: Provided, however, that when a pass of this kind is to be used for an indeterminate number of trips, the one letter or identification form may be used for a number of trips, and should be collected by the conductor on the last trip and turned in with other collections. In cases of this kind, the conductor's report of passes honoured shall include a report of the pass each time it is used.
- 19. Employees and others eligible for free transportation may be furnished with regular passenger fare tickets, or may be permitted to purchase tickets and have the amounts paid therefor afterwards refunded. In such cases, the ticket agent's report of the tickets "without value," or the vouchers refunding the amounts paid for the tickets, must be supported by the authority of one of the officers named in list (a) referred to in paragraph 1. Such authority must show the same information as is required to be shown on the requests for passes referred to in paragraph 11.
- 20. A complete record of free passenger fare tickets issued in lieu of passes must be maintained by the office authorizing the issue of free tickets or the refund of fares paid. This record must show the date, the form, and number of ticket, station from, station to, name of person to whom issued, address, why issued, amount of fare, and name of officer authorizing the issue. (See Form 6.)
- 21. The following designated persons may, at the option of the companies, be carried without passes when in the actual performance of their duties, namely: train crews, sleeping car, chair car, and dining car employees, express messengers, crews of private cars, newsboys on trains, baggage agents.
  - 22. Pass forms must not be used for the transportation of caretakers of property.
- 23. Caretakers in actual charge of shipments of live stock poultry, or fruit, and travelling on trains with such shipments, shall be furnished with no other evidence of their rights to transportation than are contained in shipping contracts or in identification papers to be used in connection with notations on way-bills. If caretakers are permitted, under the provisions of tariffs to travel on passenger trains immediately preceding or following shipments, they must be furnished with a form of caretaker's ticket, which must give full way billing reference, and conform to published tariff provisions. published tariff provisions.

- 21. If a carctaker's return passage is furnished under the terms of the shipping contract, it shall be provided for either by having the shipping contract executed at a stnation for return, or by having it lifted and a caretaker's return ticket, issued, which must conform to published tariff provisions and show (a) the way bill reference, or (b) the initials and numbers of the cars, the shipping point, and the destination named in the contract.
- 25. All cliented caretaker's tickets, shipping contracts, and identification papers, in which caretakers are carried, must be checked against the way bills or way bill records and filed in such manner as to be accessible and convenient for examination at any time within three years.
  - 26. Companies are required to keep a full record of passes issued.
- 27. The record of annual or term passes issued shall be kept in a book record similar to Form 7, or on cards similar to Form 8.
- 28. If the book record is adopted, the passes may be entered either in numerical order or in alphabetical order, according to the surnames of the persons to whom the passes are also all. When passes are entered in numerical order, an alphabetical order is shall be maintained; when entered in alphabetical order, a numerical poly with name shall be maintained. If it is desired, an additional record, with the passes entered under departments, companies, etc., may be maintained on Form 7.
- 29. If the card system of records is adopted, the cards must be made in duplicate, with one set of cards filed in alphabetical order, according to the surnames of the persons to whom the passes are issued. If it is desired, the cards may be made in triplicate and the third card filed under departments, companies, etc.
- 10. The record of the basses issued shall be kept on the stubs or carbon copies of trip passes. Full information must be shown on the stub or carbon copy of each trip pass, as provided on Form 9, and this information must conform to the data on the pass and coupon.
- 31. If a pass is cancelled, returned, or lost, the fact must be stated on the record, with the date of cancellation, return, or loss entered.
- 32. The records of passes issued must be filed in such manner as to be accessible and convenient for examination at any time within three years.
- 33. The authority for the issue of requests on other companies for passes shall be restricted to the officers named in list (b) referred to in paragraph 1. Requests must show the name and address of the officer or employee for whom or on whose to not the pass is requested, his title or the nature of his employment, the relationable for the pass is to be issued to a member of his family), the territory for which, or the paints between which, the pass is desired, the time limit, and a statement that the passon for whom the pass is requested is not prohibited by law from receiving free transportation. (See Forms 3 and 4.)
- 34. Requests must bear the autograph or the facsimile signature of one of the officers named in list (b) referred to in paragraph 1. In case the facsimile is used, the reflect must be countersigned in ink by an officer or responsible subordinate, who must be designated thereon.
- taken of them, and the duplicate or impression copies must be taken of them, and the duplicate or impression copies must be retained by the requesting carrier and filed in such manner as to be accessible and convenient for manner must be noted on the duplicate or impression copy of the request.

#### JOINT PASSES

- ind A case issued jointly by two or more carriers must bear the autograph or of cash of the carriers interested. If all the signatures of such officers are facsimile artificial, the pass must be countersigned in ink by an officer or responsible subgraphs of one of the carriers interested, who must be designated on the face of the pass.
- .7 If arrangements are made to accept or honour passes issued by other carriers over metain portions of a carrier's lines, such arrangements must be embodied in the pass rules and regulations referred to in paragraph 42, or a statement of the arrangement must be filed with the Board.

#### FILING PASSES

38. All passes collected and passes spoiled or returned must be filed in such manner as to be accessible and convenient for examination at any time within three years.

# CONDUCTOR'S REPORTS

39. Conductors or ticket collectors must make a report of passes honoured for agh. Conductors or ticket collectors must make a report of passes honoured for each run. This report must cover all passes honoured and not lifted, except passes honoured in suburban territory. It is optional with carriers whether or not this report shall cover trip passes on runs on which they are lifted and turned in, or any passes honoured in suburban territory. (See Form 10.)

40. If trip passes collected are not included in conductors' reports of passes honoured, space must be provided on the backs of passes and coupons on which must be shown the number of the train upon which the passes are honoured, the date, and the name of the conductor of ticket collector.

the name of the conductor of ticket collector.

41. The use of identification slips, and the form of such slips if used, are left to the option of the carriers.

#### CARRIERS' PASS RULES

42. Carriers are required to file with the Board copies of their general rules and instructions in effect January 1, 1920, governing the issue and use of passes, and to forward promptly copies of any subsequent rules and instructions.

#### FORMS

43. Passes must be issued and records kept substantially in accordance with the forms hereinafter prescribed. The forms indicate the nature of the information required and the order in which it shall appear, but the dimensions of the various forms are not prescribed.

Carriers may include any additional matter in the pass forms or record forms, but such additional matter must not be permitted to impair the information required in the prescribed forms, or to affect the order in which it is given. The matter printed in italic type in the prescribed forms is not intended to be a part of the forms, but merely to indicate the nature of the information required.

44. Carriers may subdivide any of the forms or may adopt additional record forms, but must file with the Board a list of such subdivisions or additional record

forms, showing their use and their purpose.

#### FORM No. 1

#### RECORD OF PASS STOCK RECEIVED AND DISTRIBUTED

Deon	(Form)							Creat	
	Stock re	eceived				Stock	distributed		
	Conse		NT 1		Furnis	hed to	Conse	Numbe	
Date	Com- mencing	Closing	Number	Date	Name	Title	Com- mencing Closing		Number

A separate sheet or page must be used for each of the different forms and series of passes, which must be recorded and distributed in numerical order. 20c-11

# FORM No. 2

REQUEST FROM OFFICERS AND EMPLOYEES FOR PASSES
Company,
Office of
19
Dear Sir,—Please furnish pass for
Address
Address
Form
Toand return.
Lialod to
(Name.)
(Title or Occupation.)
Approved.
Pass Noissued.
This form must be used by officers and employees in making requests for passes
of subordinates.  This form may be extended so as to cover two or more passes.
•
FORM No. 3
Request of Another Carrier for Trip Passes
Company,
Office of
19
DEAR SER. Will you kindly favour me, on account of this company, with trip pass. for the following person, who not prohibited by law
from receiving free transportation:
``````````````````````````````````````
Alhin
Armon at
From and return
Trianiini kr
This request shall be valid only when countersigned by myself or by
(Facsimile signature of officer.)
(M;41 <sub>0</sub> )
Countersigned by: (Title)
T
Pass Noissued.
This form may be extended so as to cover two or more passes.

## FORM No. 4

Request	ON ANOTHER CARRIE	ER FOR ANNUAL	or TERM PAS	SES
			Company	
DEAR SIR,—W	ill you kindly favou	r me on seed	unt of this as	
(Annual or term.	. pass	for	of this co	·············
over your line for hibited by law from	the following person	ortation:	who	not pro-
Name	Title or occupation	A.ddress	Territory	Number of pass issued
				pensitistica
				1
	all be valid only when	countersigned	by myself or by	
6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	• • • • • • • • • • • • • • • • • • • •			
	• • •	(Facsimile s	signature of office	er.)
	0.0.0			
Countersigned by:			(Title.)	
	• • • • • • • • • • • • • • • • • • • •	• • • • • • •		
	FORM	M No. 5		
	TELEGRA	APH PASS		
* * * * * * * * * * * * * * * * * * * *	• •			
* * * * * * * * * * * * * * * * * * * *	• • • • •			
This telegram,	when written in ink a	nd countersigne	d by you, will I	ass
	from		. to	• • • • • • • • • • • • • • • • • • • •
account	if used with			
		• • • •	(Signature.	)
The above form If desired, carriers telegraph.	must be used for tel- may provide a special			

# FORM No. 6

# RECORD OF FREE PASSENGER FARE TICKETS ISSUED

	T	o whom issued		From	То	Issued by	Remarks
Date issued	Name	Address	Issued account of				
						1	

In column headed "Issued account of" must be shown the same information as is required in similar column in the record of annual or term passes issued (Form 7.)

## FORM No. 7

# RECORD OF ANNUAL AND TERM PASSES ISSUED—BOOK RECORD (Form.....)

	.	То	whom issued		Territory	Date of	Request	Remarks
Date issued	No.  -	Name	Address	Issued account of		Date of expiration	of	

In the column leaded "Issued account" information must be shown in accordance with the following:

If issued to an officer or employee—the title or occupation of person to whom pass is issued.

If issued to a member of the family of an officer or employee—the name of such officer or employee, his title or occupation, and the relationship of the person to whom pass is issued; for example: "Wife of John Smith, Brakeman".

If issued to an officer or employee of another carried—the title or occupation of the correct to whom the pass is issued and the name of the carrier; for example: "Machinist, C.P.R."

If is not to a member of the family of an officer or employee of another carrier—time harm of such officer or employee, his title or occupation, the relationship of the person to whom the pass is issued, and the name of the carrier; for example: "Wife of George Brown, Clerk, Accounting Department, C.P.R."

If issued to persons other than common-carrier officers or employees or members of their families, there must be shown in this space the reason for the issuance of the pass.

	FORM NO. 8	
RECORD OF A	NNUAL AND TERM PASSE	S ISSUED—CARD RECORD
Name	Form	No
Address	• • • • • • • • • • • • • • • • • • • •	
Issued account of Territory		
	• • • • • • • • • • • • • • • • • • • •	• • • • • • • • • • • • • • • • • • • •
Request of		•• ••••••
Date issued		• • • • • • • • • • • • • • • • • • • •
Remarks	for "Issued account of	" must be shown the same informa-
tion as is required in the	book record of annual a	and term passes issued.
	TO DAY AT	
	FORM No. 9	
	TRIP PASS (Face)	
(Name of carrier)	(Name of carrier)	(Name of carrier)
TRIP PASS STUB	NoTRIP PASS	No
19		TRIP PASS
	Fass2	(Subject to conditions on back)
Pass 2	Account	19
Account		Pass
	From	Account
From	To	
То	Void if detached	Fromto
And return	Issued by	Good for one trip only until19
Address		Valid when countersigned by
Expires		
Requested by		•••••••••••••
Issued by		$(Facsimile\ signature)$
		Official little
		Countersigned by
	(BACK)	
		CONDITIONS
		· Signature)

Trip passes may be provided with a second sheet for carbon copies in lieu of the pass stub. In such cases the carbon copies must be numbered to correspond with the

passes, and must show the full information that appears on the passes and coupons.

In the space provided for "Account" there must be shown the same information as is required on annual or term passes. (See form 7.)

Trip passes may, if preferred, be limited by a system of dates along the margin, the limits to be indicated by punching or by tearing off dates later than that on which the pass expires.

#### FORM No. 10

# CONDUCTOR'S REPORT OF PASSES HONOURED

(Name of carrier.)

Train No Train run from			.to(Conductor emplo	or other	
Form or kind   Pass No. of pass	In favor of	Honored o	on this Train	No. persons	Remarks, Stop-offs, personal recognitions, etc.
			1		

### GENERAL ORDER No. 291

In the matter of Section 372 of the Railway Act, 1919, for the carrying of wires and cables along or across the tracks of railway companies under the jurisdiction of the Board; and the application of the Canadian National Railways for an Order amending the Standard Conditions and Specifications for Wire Crossings, approved by the General Order of the Board No. 231, dated May 6, 1918, as amended by General Order No. 267, dated June 27, 1919.

Case No. 4704;

Upon reading what is filed in support of the application, the Canadian Pacific and Grand Trunk Railway Companies concurring therein,—

It is Ordered: That the said Standard Conditions and Specifications for Wire Crossings, as approved by the General Order of the Board No. 231, dated May 6, 1918, be, and they are hereby, amended—

- (1) By striking out paragraph 4 of part I of the said conditions and specifications and substituting therefor the following, namely:
  - owning, operating, or using the said railway at least seventy-two hours prior notice thereof in writing, and the said railway company shall be entitled to appoint an inspector, under whose supervision such work shall be done, and whose wages, at a rate not to exceed eleven dollars per day, shall be paid by the applicant; such payment to cover both wages and expenses. When the applicant is a municipality and the work is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company."

- (2) By striking out paragraph 4 of part 2 of the said conditions and specifications and substituting therefor the following, namely:—
  - "4. Before any work of laying, removing, or repairing any pipe, conduit, wire, or cable is begun, the Applicant shall give to the railway company at least seventy-two hours prior notice thereof in writing, accompanied by a plan and profile of the part of the railway to be affected, showing the proposed location of such pipe, wire or cable, conduit, and works contemplated in connection therewith; and the said railway company shall be entitled to appoint an inspector to see that the applicant, in performing said work, complies in all respects with the terms and conditions of this Order, and whose wages, at a rate not exceeding eleven dollars per day, shall be paid by the applicant, such payment to cover both wages and expenses. When the applicant is a municipality and the crossing is on a highway under its jurisdiction, the wages of the inspector shall be paid by the railway company."

And it is further Ordered: That General Order No. 267, dated June 27, 1919, and General Order No. 288, dated March 23, 1920, made herein, be, and they are hereby, rescinded.

Оттама, April 7, 1920.

S. J. McLEAN,
Assistant Chief Commissioner.

## GENERAL ORDER No. 292

In the matter of the application of various railway companies, hereinafter called the "Applicant Companies," under Sections 330, 333 and 334 of the Railway Act, 1919, for approval of increased Standard Tariffs of maximum Sleeping and Parlour Car Tolls.

Case No. 4569; File Nos. 548.16, 1026.2, and 9451.12 to 9451.20, inclusive. Whereas, for the approval of the Board, the applicant companies have filed from April 1 to April 20, 1920, Standard Tariffs of Increased Maximum Sleeping and Parlour Car Tolls, and have given publicity thereto through the medium of the press, and no objections thereto having been received by the Board; and an increase in the existing tolls appearing to the Board to be justified by existing transportation conditions,—

It is Ordered: That the following tariffs of the Applicant Companies be, and they are hereby, approved, and may be put into force after publication thereof, together with a reference to this general order, in two consecutive weekly issues of the Canada Gazette, namely:—

Canadian National Railways-C.R.C. No. W-S1 and E-S1.

Canadian Pacific Railway—C.R.C. No. S9.

Dominion Atlantic Railway-C.R.C. No. S5.

Esquimalt & Nanaimo Railway-C.R.C. No. S6.

Grand Trunk Railway-C.R.C. No. S7.

Grand Trunk Pacific Railway-C.R.C. No. S6.

Kettle Valley Railway—C.R.C. No. S4.

Maine Central Railroad—C.R.C. No. S4.

Michigan Central Railroad—C.R.C. No. S4.

Napierville Junction Railway-C.R.C. No. S2.

New York Central Railroad-C.R.C. No. S4.

Toronto, Hamilton and Buffalo Railway-C.R.C. No. S5.

F. B. CARVELL, Chief Commissioner.

Оттама, April 22, 1920.

## GENERAL ORDER No. 292-A

In the matter of the application of the Quebec Central Railway Company for the approval of increase in its Standard Tariff of Maximum Sleeping and Parlour Car Tolls, and of the General Order of the Board No. 292, dated April 22, 1920, approving increased Standard Tariffs of Maximum Sleeping and Parlour Car Tolls of various railway companies.

File No. 9451.21.

The tariff of the Quebec Central Railway Company showing increases in its maximum sleeping and parlour car tolls on the same basis as those approved under the said General Order No. 292 having been filed for the approval of the Board,—

It is Ordered: That the said General Order No. 292, dated April 22, 1920, be, and it is hereby amended by adding thereto, at the end of the order, the words, "Quebec Central Railway, C.R.C. No. S3."

S. J. McLEAN, Assistant Chief Commissioner.

Ottawa, April 27, 1920.

## GENERAL ORDER NO. 292-B

In the matter of the application of the Boston and Maine Railroad Company, hereinafter called the "Applicant Company," for approval of increases in its Standard Tariff of Maximum Sleeping and Parlour Car Tolls; and of the General Order of the Board No. 292, dated April 22, 1920, approving increased Standard Tariffs of Maximum Sleeping and Parlour Car Tolls of various railway companies.

File No. 9451.22

The tariff of the applicant company showing increases in its maximum sleeping and parlour car tolls on the same basis as those approved under the said General Order No. 292 having been filed for the approval of the Board—

It is ordered: That the said General Order No. 292, dated April 22, 1920, as amended by General Order No. 292 A, dated April 27, 1920, be, and it is hereby, further amended by adding thereto, at the end of the Order, the words, "Boston and Maine Railroad, C.R.C. No. S-4."

S. J. McLEAN,

Assistant Chief Commissioner.

OTTAWA, May 5, 1920.

# GENERAL ORDER No. 292-C

In the matter of the application of the Edmonton, Dunvegan and British Columbia Railway Company, hereinafter called the "Applicant Company," for approval of increases in its Standard Tariff of Maximum Sleeping and Parlour Car Tolls; and of the General Order of the Board No. 292, dated April 22, 1920. approving increased Standard Tariffs of Maximum Sleeping and Parlour Car Tolls of various railway companies.

File No. 18903.95

The tariff of the applicant company showing increases in its maximum sleeping and parlour car tolls on the same basis as those approved under the said General Order No. 292 having been filed for the approval of the Board,—

It is ordered: That the said General Order No. 292, dated April 22, 1920, as amended by General Orders Nos. 292 A and 292 B, dated April 27, 1920, and May 5, 1920, respectively, be further amended by adding thereto, at the end of the order, the words, "Edmonton, Dunvegan and British Columbia Railway, C.R.C. No. S-3."

S. J. McLEAN,

Assistant Chief Commissioner.

Оттама, Мау 10, 1920.

## GENERAL ORDER No. 292-D

In the matter of the application of the Wabash Railway Company, hereinafter called the "Applicant Company," for approval of increases in its Standard Tariff of Maximum Sleeping and Parlour Car Tolls; and of the General Order of the Board No. 292 dated April 22, 1920, approving increases Standard Tariffs of Maximum Sleeping and Parlour Car Tolls of various railway companies.

File No. 9451.23

The tariff of the applicant company showing increases in its maximum sleeping and parlour car tolls on the same basis as those approved under the said General Order No. 292 having been filed for the approval of the Board,—

It is ordered: That the said General Order No. 292, dated April 22, 1920, as amended by General Orders Nos. 292 A, 292-B, and 292-C, dated respectively April 27, 1920, May 5, 1920 and May 10, 1920, be further amended by adding thereto, at the end of the order, the words, "Wabash Railway, C.R.C. No. S-5."

S. J. McLEAN,

Assistant Chief Commissioner.

OTTAWA, May 11, 1920.

#### GENERAL ORDER No. 293

In the matter of the application of the Brotherhood of Railroad Trainmen for an Order requiring railway companies to provide suitable seating accommodation in locomotive cabs for front end brakemen on freight trains who are required to ride the engine.

File No. 25279

Upon reading what is filed in support of the application and on behalf of the Railway Association of Canada; and upon the report and recommendation of the Mechanical Expert of the Board, concurred in by its Chief Operating Officer,—

It is ordered as follows:

1. That all locomotives of railway companies subject to the jurisdiction of the Board be equipped with a seat for the brakemen.

2. That the seat provided be of a comfortable design, and where practicable

equipped with back and window arm rest.

3. That such seating accommodation be provided by the 1st day of May, 1921.

S. J. McLEAN,

Assistant Chief Commissioner.

OTTAWA, April 26, 1920.

#### GENERAL ORDER NO. 294

In the matter of the complaints of D. Campbell, Winnipeg; the United Grain Growers, Limited, Calgary; J. B. Stringer and Company, Chatham; and Elliott and Company, Ridgetown, against the allowances provided by the General Order of the Board No. 50, dated December 10, 1909, as amended by General Order No. 184, dated March 22, 1917, to shippers who are compelled to furnish temporary doors to cars loaded with grain.

File No. 4106:

Upon hearing the complaints at the sittings of the Board held in Winnipeg, November 15, 1919, and in Ottawa, December 18, 1919, in the presence of D. Campbell, counsel for and representatives of the Canadian Pacific, Grand Trunk, and Grand Trunk Pacific Railway Companies, the Canadian National Railways, the Michigan Central Railroad Company, and the Montreal Board of Trade, and what was alleged; and upon reading the submissions filed, and the report and recommendation of the Chief Traffic Officer of the Board,—

## It is ordered as follows:

1. That the said General Order No. 50, as amended by General Order No. 184, requiring that where shippers upon all or any railways subject to the jurisdiction of the Parliament of Canada are compelled to furnish car doors to enable cars to be used for traffic, allowance therefor to such shippers be made upon the following basis:—

(a)	At and west of Port	Arthur, lower doors,	each	 \$1.50
(7)	East of Port Anthum	upper doors,	each	 75
(0)	East of Port Arthur,	lower doors, each upper doors, each		 50

be and it is hereby, amended to provide that the said allowance for doors so furnished to enable cars to be used for grain, be increased as follows, namely:—

(a)	At and west of Port Arthur—		
	for doorways 5 feet wide: lower doors	\$2.25	each
	upper doors	.75	66
	tor doorways teet wide: lower doors	2.60	66
(b)	East of Port Arthur—	.9.0	4.6
	for doorways, 5 feet wde: lower doors	1.25	
	for doorways 6 foot wide in the constant of th	.75	66
	for doorways 6 feet wide: lower doors.	1.35	66
	upper doors	9.0	6.6

Оттаwа, April 30, 1920.

F. B. CARVELL, Chief Commissioner.

# GENERAL ORDER No. 295

It the matter of the complaints of the Montreal Board of Trade, the Canadian Manuscreturers' Association, and the Toronto Board of Trade et al. against the requestion of the railway companies, effective March 1, 1920, directing their agents not to accept prepayment of charges from shippers on freight traffic from Canada to the United States, except on traffic on which the Freight Classification or Tariff requires prepayment.

File No. 29674.2.

Upon hearing the complaints at the sittings of the Board held in Toronto, March 6, 1920, and Ottawa, March 16 and 17, 1920, the complainants, the Montreal Corn Exchange, certain manufacturers in the province of Quebec, the Riordon Pulp and Paper Company, the Canadian Lumbermen's Association, the apple and potato

shippers of Nova Scotia, the Border Chamber of Commerce, the Ford Motor Company, certain pulpwood industries, the J. B. Belanger Mining Company, the Canadian Carbide Company, F. E. Smith, Limited, the Canadian Traffic Agency, Wm. Davies Company, Limited, the Harris Abattoir Company, Limited, the Canadian Pacific and Grand Trunk Railway Companies, the Canadian National Railways, and the Michigan Central Railroad Company being represented at the hearing, and what was alleged; and upon reading the submissions filed,—

It is ordered: That, for want of jurisdiction over the subject matter thereof, the

said complaints be, and they are hereby, dismissed.

F. B. CARVELL, Chief Commissioner.

Оттама, Мау 5, 1920.

## GENERAL ORDER No. 296

In the matter of the application of the Express Traffic Association of Canada, on behalf of the express companies subject to the jurisdiction of the Board, for approval of Regulations for the Transportation by Express of Acids, Inflammables, Oxidizing Substances, etc. under Sections 349 and 350 of the Railway Act, 1919, on file with the Board under File No. 1717.12.

Upon hearing the application at the sittings of the Board held in Ottawa, February 17, 1920, in the presence of Counsel for and representatives of the express companies, the Grand Trunk and Canadian Pacific Railway Companies, the Canadian National Railways, the Explosives Division of the Department of Mines, and the Bureau of Explosives, and what was alleged; and upon reading the submissions filed,—

It is ordered: That the proposed Regulations for the Transportation by Express of Acids, Inflammables, Oxidizing Substances, etc., C.R.C. No. E.T. 694, to be observed by express companies subject to the jurisdiction of the Board, on file with the Board under File No. 1717.12, marked "A," and certified by the Secretary of the Board, be, and they are hereby approved, subject to the following changes and additions,

namely:—

(1) The opening sentence of paragraph 4 to be changed to read as follows:—
"The following articles must not be accepted for shipment by express, except properly packed and certified samples for laboratory examination as provided for in paragraph 5 (a)."

(2) To the list of Acceptable Articles, paragraph 5, the following to be added:—
"(a). Samples of explosives intended for laboratory examination only,
and not exceeding a net weight of one-half pound for each sample, and not
exceeding ten such samples in any one train, when packed, marked, labelled,
described and certified in accordance with paragraph 16" (or as it may be
re-numbered).

(3). The following to be inserted as the first paragraph under "Definitions":—
"The only samples of explosives that can lawfully be shipped by express are those intended for examination in laboratory and not intended for use or demonstration."

(4) The following is to be inserted as the first paragraph in the Rules for Packing and Marking:—

## LABORATORY SAMPLES

Packing.—(a) Samples of explosives for laboratory examination must be placed in well-secured metal cans or glass bottles, or in strong waterproof paper or cardboard packages; each sample must not consist of more than one-half pound of explosive, and the interior package must be placed in sawdust or similar cushioning material at least 2 inches thick, in a strong and tight wooden box, with ends not less than 1 inch thick, and top, bottom, and sides not less than one-half inch thick when a nailed box is used; or with ends, top, bottom, and sides not less than one-half inch thick of lock-cornered construction.

(b) Whenever these samples for laboratory examination are contained in a metal enevelope or receptacle, this receptacle must be properly cushioned with sawdust or similar cushioning material in a strong wooden box, and this interior box must be placed in a tight outside wooden box with at least 2

inches of cushioning material separating the boxes,

Weight.—Not more than 10 half-pound samples of explosives for laboratory examination may be placed in one outside box or transported in any one train.

The net weight of the explosive contents must be plainly marked by the

shipper on the outside of each box offered for forwarding.

Morking.—Each outside package containing such samples must have securely and conspicuously attached to it a square red certificate label measuring 4 inches on each side, and bearing in black letters the following:—

#### EXPLOSIVE

## SAMPLE FOR LABORATORY EXAMINATION

Handle Carefully Keep Fire Away

This is to certify that the articles covered by this label are properly described by name and are packed and marked and are in proper condition for transportation, according to the regulations prescribed by the Board of Railway Commissioners for Canada.

(Shipper's Name)
(Inspector, Bureau of Explosives)

(Inspector, Explosives Division, Department of Mines.)

Certification.—The label as above must be signed in ink by the shipper, and by either of the inspectors named. If signed by the Inspector, Bureau of Explosives, he must crase the words "Inspector, Explosives Division, Department of Mines," and "vice versa." Unless the label bears both signatures the articles tendered for transportation must be refused.

F. B. CARVELL,

Chief Commissioner.

OTTAWA, May 15, 1920.

# GENERAL ORDER No. 297

In the matter of the application of the Great North Western Telegraph Company, the Canadian Pacific Railway Company, the Grand Trunk Pacific Telegraph Company, and the Western Union Telegraph Company, on behalf of all telegraph companies operating in Canada, hereinafter called the "Applicant Companies," for authority to increase their turiffs of tells by about 25 per cent, notwithstanding the provisions of any legislation heretofore passed or of any rate-limiting agreement heretofore made.

File No. 10041.88.

Upon hearing the application at the sittings of the Board held in Ottawa, November 11 and 12, 1919, Winnipeg November 15, 1919, Vancouver, November 21, 1919, Victoria, November 24, 1919, Calgary, November 27, 1919, Edmonton, November 28, 1919, Saskatoon, November 29, 1919, Regina, December 1, 1919, Winnipeg, December 2, 1919, Fort William, December 3, 1919, Halifax, December 15, 1919, St. John, December 16, 1919, and Ottawa, January 27, 1920, in the presence of representatives of the Applicant Companies, the Boards of Trade of Toronto, Winnipeg, Calgary, Edmonton, Saskatoon, Regina, Halifax, and St. John, the Cities of Toronto, Hamilton, Regina, and St. John, the Province of Prince Edward Island, the Union of Canadian Municipalities, the Winnipeg Grain Exchange, the Fort William Grain Exchange, the Canadian Manufacturers' Association, the Canadian Credit Men's Trust Association, the Northwest Grain Dealers' Association, the Retail Merchants' Association of Manitoba, and certain Saskatoon local interests, and what was alleged,—

It is ordered: That the applicant companies be, and they are hereby permitted to file with the Board, for its consideration, tentative schedules in accordance with the direction contained in the judgment of the Assistant Chief Commissioner, dated May 6, 1920, attached hereto marked "A." and which, for the purpose, as well as the judgment of the Chief Commissioner, dated March 23, 1920, attached hereto marked "B," are hereby made a part of this order.

S. J. McLEAN, Assistant Chief Commissioner.

OTTAWA, May 21, 1920.

# GENERAL ORDER No. 298

In the matter of the consideration of a special form of Contract for the Transportation of Live Stock, to be used by the railway companies subject to the jurisdiction of the Board.

File No. 28233.

Upon hearing the matter at the sittings of the Board held in Ottawa, February 10, 1920, the Canadian Manufacturers' Association, the Western Live Stock Shippers' Association, the Winnipeg Live Stock Exchange, the Calgary Live Stock Exchange, the Cattlemen's Protective Association of Western Canada, the Express Traffic Association, the Toronto Humane Society, the Western Canada Live Stock Union, the Canadian Council of Agriculture, the United Farmers of Ontario, the United Farmers' Co-operative Company, the Eastern Canada Live Stock Union, the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen, Swifts Canadian Company, the Grand Trunk and Canadian Pacific Railway Companies, the Canadian National Railways, and the Michigan Central Railroad Company being represented at the hearing, and what was alleged,—

# It is Ordered as follows:-

1. That the forms of Live Stock Contract and the Special Contract with Attendants in Charge of Stock, attached hereto marked Schedule "A" and Schedule "B" respectively, be, and they are hereby, approved.

That the form of the Special Contract with Attendants in Charge of Stock

" A ").

That on and after the 1st day of July, 1920, the forms herein approved shall the manner of the cardine of live stock to be used by all the railway companies subject to the legislative authority of the Parliament of Canada.

F. B. CARVELL, Chief Commissioner.

OTTAWA, June 2, 1920.

#### SCHEDULE A

for Canada by	Bill of Lading, app	roved by the Board of Ra — on theday of	ilway Commissioners
		OII OIIC	
Shipper's No			
Agent's No			D 11 G
			Railway Company
	LIV	E STOCK	
	SPECIAL CONTRACT,	ORIGINAL, NOT NEGOTIABLE	
Cars			
ternal Nove		Station	
	date of issue of this	n to the classification and s original Live Stock Bill of	
	inconsistent herewith	n).	149
	the live stock of the	ne kind and number, and c	onsigned and destined
		which the said Company a	
		ery at said destination, if on	
*******************		carrier on the route to st to each carrier of all or a	
		tion of said route to destin	
		interested in all or any of	
	every service to be	performed hereunder shall	be subject to all the
It charges are to be	conditions, whether	printed or written, herein	contained, and which
prepaid, write or stamp here "To be prepaid."		the shipper and accepted	for himself and his
nero To be prepara.	assigns.		
Received \$			
To apply in prepay-		Number and description.	
ment of the charges	Consignee and	Shipper's load	Weight subject
on the property de-	destination.	and count.	to correction.
**************************************			
Agent or Cashier		· · · · · · · · · · · · · · · · · · ·	
. 5	*****************		
The signature here			
acknowledges only the amount paid.			
the amount paid.			
Charges advanced	****************	• • • • • • • • • • • • • • • • • • • •	
1	**************	• • • • • • • • • • • • • • • • • • • •	

#### SECTION 1

The shipper agrees to pay, if required, before delivery, all lawful and proper charges as well as freight thereon to the carrier at the rate of.......per one hundred pounds, which is the lower published tariff rate, and is based on the express condition that the carrier shall in no case be liable for loss of or damage or injury to said live stock, in excess of the following agreed valuation, or a proportionate sum in any one case, upon which valuation the rate charged for the transportation of the said live stock is based, and beyond which valuation neither the carrier nor any connecting carrier shall be liable in any event, whether the loss, injury or damage occurs through the negligence of the carrier or any connecting carrier, or their or either of their employees, or otherwise, viz.—

If, upon inspection, it is ascertained that the live stock shipped is not as described in this Live Stock Bill of Lading, the freight charges must be paid on the live stock actually shipped, with any additional charges lawfully payable thereon.

#### SECTION 2

No carrier is bound to transport said live stock by any particular train, or in time for any particular market, or otherwise than with reasonable dispatch, unless by specific agreement endorsed herein. Every carrier, in case of physical necessity, shall have the right to forward said live stock by any railway or route between the point of shipment and the point of destination.

#### SECTION 3

By this contract the carrier agrees to transport only over its own line, and acts only as agent with respect to the portion of the route beyond its own line, except as otherwise provided by law; no carrier shall be liable for damage or injury not occurring on its portion of the through route, nor after the stock has been delivered to the next carrier, except as such liability is or may be imposed by law. Unless a different agreement is made with connecting carriers, in respect to transportation on their respective lines, the terms and conditions hereof shall apply to the transportation by each carrier on any portion of the route to destination.

## SECTION 4

(1) The shipper agrees to load, unload, or re-load said live stock at his own expense and risk; feed, water and attend same at his own expense and risk while in transit, except as provided in subsection (5) of this section. In case any of the employees of the carrier load, unload, reload, feed, water or otherwise care for the said live stock, or assist in doing so, they shall be treated as agents of the shipper for that purpose and not as the agents of the carrier; except when such loading, unloading, reloading, feeding or watering is occasioned by some act or default of the carrier.

(2) The carrier agrees to provide proper loading, unloading or reloading facilities and suitable equipment with secure car door fastenings for the transportation of said

live stock.

(3) The shipper agrees to properly and securely place all said stock in cars, and the carrier shall, except in cases where the shipper or some person on his behalf accompanies the live stock, keep said doors securely locked or fastened until placed for unloading.

(4) If temporary partitions or decks are put in the cars by the shipper, the carrier shall not be responsible for the sufficiency thereof, or for any loss or damage

caused by defects therein.

(5) In the event of delay to said live stock caused by the negligence of the carrier, any consequent unloading, reloading, feeding or watering en route shall be at the carrier's expense and risk; and any expense incurred by the shipper in connection therewith shall be repaid to him by the carrier.

#### SECTION 5

If the destination of the shipment of said live stock is more than one hundred and fifty (150) miles from the point of shipment, the shipper or some person on his behalf (not an employee of the carrier), must, unless special arrangements are otherwise made in writing, accompany and care for the shipment throughout the journey.

#### SECTION 6.

The earrier shall not be liable for loss, damage, or delay to any of the live stock here in described caused by the act of God, the King's or public enemies, riots, strikes, if feets or inherent vice in the live stock, heat, cold, the authority of law, quarantine, the act or default of the shipper, or causes beyond the carrier's control; nor when caused by changes in weather or delay resulting therefrom, except such delay is due to the carrier's negligence, and the burden of providing freedom from such negligence chall be on the carrier; nor for loss or damage caused by fire occurring after cars have been placed for unloading at point of destination.

Except in case of the negligence of the carrier, (and the burden of proving freedom from such negligence shall be on the carrier), the carrier shall not be liable for loss, damage or delay occurring while the live stock is stopped and held in transit upon the request of the party entited to make such request.

#### SECTION 7

Notice of claim on account of loss, damage or delay must be made in writing to the agent of the carrier at the point of shipment, or to the agent of the carrier at the point of delivery; or to a Divisional Superintendent, a District Freight Agent, a Claims Agent, or the General Counsel of the carrier, within thirty (30) days after the delivery of the live stock, or in case of failure, to make delivery, then within thirty (30) day after a reasonable time for delivery has elapsed. Unless notice is so given the carrier shall not be liable.

#### SECTION 8

No person accompanying the said live stock shall have the right to ride free or at a rate less than full fare in connection with this shipment, unless and until he has sunned the special form of contract for such attendants, printed on the back hereof.

The carrier shall not be liable either for loss of life or personal injury to such ver on nor impanying said live stock, whether such person is being carried free or at a retrieve than full fare, unless such loss of life or personal injury is caused by nealigence on the part of the carrier, its servants or employees while the said per ons are in the caboose or other car provided for their transportation, or while in the car provided for the transportation of the live stock.

#### SECTION 9

The snipper hereby acknowledges that he has the option of shipping the above described live stock at a higher rate of freight than that payable hereunder, and according to the classifications and tariffs of the carrier, or connecting carriers, the effect of which the shipper understands would be to remove the limitation on the amount of damages for which the carrier or the connecting carriers might be liable as kerela provided, and the shipper has voluntarily elected to accept the limitation of liability berein contained to enable him to obtain the reduced freight rate above mentioned.

#### SECTION 10

Any alteration, addition or erasure in this Live Stock Bill of Lading shall be signed or initialled in the margin by an agent of the carrier issuing the same, and if not so signed or initialled shall be without effect, and this Bill of Lading shall be enforceable according to its original tenor.

٠	۰	٠	٠	٠	٠	٠	٠	٠	٠	٠				٠			٠	Agent.
٠	٠	٠	٠	٠		٠			٠		•				٠			Shipper.

(This Bill of Lading to be signed by the shipper and the agent of the carrier issuing same.)

#### SCHEDULE B

To be Printed on Back of Live Stock Contract

·····RAILWAY

SPECIAL CONTRACT WITH ATTENDANTS IN CHARGE OF STOCK Nos. of Cars.

The parties actually in charge of and accompanying the within named stock, are required to read the following agreement, and to sign their names in ink or indelible 

(Free transportation)

(Transportation at less than full fare)

I agree to give the live stock included in this shipment all care and attention needed en route. If anything goes wrong in connection with the shipment, or if it needs any care or attention that requires the help or co-operation of the train crew, I will

promptly notify the conductor in charge.

Whereas, travel by freight trains is necessarily more dangerous than upon passenger trains, I hereby release the said carrier and each and every connecting carrier which may grant me such free transportation or transportation at less than full fare, from all liability for any injury or damage suffered by me while violating any of the terms of this agreement with the said carrier, as stated below, all of which I agree to carefully observe and obey.

1. I will remain in a safe place in the caboose or other car provided for my transportation, or in the car provided for the transportation of the stock, at all times

while the train is in motion.

2. I will not get on or off said caboose or other car, when the same is in motion.

2. I will not get on or off said caboose or other car, when the same is in motion.

3. I will not get on or off, or walk over the cars while they are moving.

4. I will not walk or stand on any track or station or other premises of the carrier at night without a lighted lantern. I will not walk or stand on any track or attempt to cross any track, while switching is being or is about to be done thereon. I will at all times use every reasonable effort and precaution to protect myself from injury.

5. I will always bear in mind that freight trains do not stop at stations or places especially prepared for passengers to alight; that freight trains frequently stop on bridges and places along the line where it is not safe to alight; I will therefore not attempt to alight from the caboose or other car, when a train may stop for any purpose, without first making a careful examination (with a lighted lantern if at night time), and thus ascertaining that it is safe to alight at that point; and I will not omit taking these precautions because of anything said or done by employees of the carrier.

In further consideration of the fact that I have been furnished by the railway company with.....(Free transportation)

(Transportation at less than full fare)

I hereby further agree that in case of any accident, casualty or mishap of any kind, howsoever caused, in which I may receive any personal injury while travelling pursuant to such transportation, I will within thirty (30) days after the happening of such injury, and as a condition precedent to the right to maintain any suit or action on account of such injury, notify the Railway Company by mailing or delivering to the General Counsel or the General Solicitor of the Railway Company, written notice of the time, place, circumstances, character and extent of such injury.

I fully understand that no agent or employee of the Railway Company has the

right to waive the giving of such notice.

My signature hereto shall be conclusive evidence of my assent to and agreement

iciewith.			
• • • • • • • • • • • • • • • • • • • •			
	Agent.	 	 

Parties in charge of and accompanying stock sign above in ink or indelible pencil.

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# GENERAL ORDER No. 299

In the application of the Great North Western Telegraph Company, it is careful. Parific Railway Company, the Grand Trunk Pacific Telegraph Company, in the Western Union Telegraph Company, on behalf of all telegraph companies operating in Canada, hereinafter called the "Applicant Companies" for authority to increase their tariffs of tolls by about 25 per cent, notwithstanding the provisions of any legislation heretofore passed or of any rate-limiting agreement heretofore made; and in the matter of the General Order of the Board No. 297, dated May 21, 1920.

File No. 10041.88.

Whereas the said telegraph companies have filed for the consideration of the Board the tentative schedules permitted for that purpose by the General Order of the Board No. 297, dated May 21, 1920, and these having been checked and sealed by the Board's Traffic Department so provided for in section XI (6) of the judgment of the Board, dated May 6, 1920, and certain alterations having been made therein as the result of such checking and scaling,—

It is ordered: That the said schedules so amended be, and they are hereby, approved, to be made effective not earlier than June 14, 1920.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA. June 5, 1920.

## GENERAL ORDER No. 300

In the matter of the consideration of a special form of Contract for the transportation of Live Stock, to be used by the Railway Companies, subject to the jurisdiction of the Board; and General Order No. 298, dated June 2, 1920, approving forms of Live Stock Contract and Special Contract with attendants in charge of stock, marked Schedules "A" and "B" respectively;

File No. 28233.

It is ordered: That the date upon which the said forms of Live Stock Contract and the Special Contract with Attendants in Charge of Stock, marked Schedules "A" and "B" respectively, on file with the Board under file No. 28233, shall become effective, be postponed from the 1st day of July, 1920, as provided for in the said General Order No. 298, dated June 2, 1920, to the 15th day of July, 1920.

F. B. CARVELL.

Chief Commissioner.

Ottawa, June 30, 1920.

### GENERAL ORDER No. 301

In the matter of the question of the coal supply in Canada, and the powers conferred upon the Board by Chapter 66 of the Acts of the Parliament of Canada, 1920.

File No. 30331.5.

Upon its appearing to the Board that there is a real or apprehended scarcity of coal, with a view to conserving the supply, and in pursuance of the powers conferred by the said Act, chapter 66, 1920,—

The Board doth order: That the exportation of coal from the Atlantic, St. Lawrence river and gulf ports of Canada, except to the United States or to Newfoundland, unless otherwise permitted and in accordance with regulations to be promulgated by the Board, be, and it is hereby, prohibited on and after the first day of August next.

F. B. CARVELL,

Chief Commissioner.

OTTAWA, July 22, 1920.

## GENERAL ORDER No. 302

In the matter of the General Order of the Board No. 923, dated April 26, 1920, providing, inter alia, that all locomotives of railway companies subject to the jurisdiction of the Board be equipped with a seat for the brakemen.

File No. 25279

Upon reading what is filed on behalf of the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, and the Railway Association of Canada,—

It is ordered: That paragraph 1 of the said General Order No. 293, dated April 26, 1920, be, and it is hereby, amended by adding thereto the following, namely:—

"Provided, however, that such seat shall not be located in a position that will interfere with the seating space or seats provided for engineer and firemen, or that will obstruct their view from side windows."

S. J. McLEAN, Assistant Chief Commissioner.

OTTAWA, July 23, 1920.

## GENERAL ORDER No. 303

In the matter of the international railway rates, fares and charges as affected by an Order of the Interstate Commerce Commission dated July 29, 1920, Ex Parte 74.

File No. 30437

Whereas the Interstate Commerce Commission, by its Order dated at Washington, D.C., July 29, 1920, has granted carriers operating in the United States of America certain increases in their rates, fares and charges, as set out in the report of the said commission made part of its order, and the said increases being thereby made applicable also to the proportions of joint through rates to or from Canada accruing within the United States all of which may be made effective upon not less than five days' notice.

And whereas it is deemed by the Board to be expedient in the public interest that the continuity of joint through rates from points in the United States to points

in Canada, and "vice versa," should be preserved.

Therefore, in pursuance of the powers conferred upon the Board by Section 325 of the Railway Act, 1919, and of all other powers possessed by the Board in that behalf,—

## It is ordered:

(1) That the proportions of through rates, fares and charges between the United States and Canada, fares in both directions, in effect at the date of this order, accruing within Canada, may, by general or blanket supplement to existing tariffs, be increased

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to the extent that the through rates, fares and charges shall conform to the increases and rate, or the Interstate Commerce Commission; except on coal and coxe, addition of Canadian carriers for increased rates within Canada.

(2) That the through rates and fares from points in Canada to points in the United States, so increased, may be published and filed to become effective on or

after August 26, 1920, upon not less than five days' notice.

S. J. McLEAN,
Assistant Chief Commissioner.

Ottawa, August 13, 1920.

## GENERAL ORDER No. 304

In the matter of special tariffs on freight traffic to Montreal, Quebec, St. John, West St. John, and Halifax, for export.

File No. 30437.1

Whereas the rates and charges on freight traffic from United States shipping points to the Atlantic ports of the United States will be increased on August 26, 1920, by authority of an order of the Interstate Commerce Commission dated July 29, 1920; and the Board, by its General Order No. 303, dated August 13, 1920, has authorized increases in the freight rates and charges from Canada to the United States in conformity with the said Order of the Interstate Commerce Commission;

And whereas it is expedient in the public interest that the relationship between the rates and charges from Canadian shipping points on freight traffic to the ports of Montreal, Quebec, St. John, West St. John, and Halifax, for export, and those to the

Atlantic ports of the United States be continued;

Therefore, in pursuance of the powers conferred upon the Board by section 325 the Railway Act, 1919, and of all other powers possessed by the Board in that behalf.—

It is ordered: That the said rates and charges on export freight traffic from Canadian shipping points to Montreal, Quebec, St. John, West St. John, and Halifax may be increased in conformity with the said relationship, to become effective on or after August 26, 1920, on not less than five days' notice.

F. B. CARVELL, Chief Commissioner.

Ottawa, August 19, 1920.

## GENERAL ORDER No. 305

In the matter of reconsigning rules and penalty charges for detention of equipment in interstate traffic passing through Canada.

File No. 30451.

Whereas the Interstate Commerce Commission has, by its Special Permission No. 2021, dans at Washington, D.C., July 31, 1920, authorized the publication of revised reconstrainty rules applicable on all freight in open top cars and coal and coke in all cars, and emergency penalty charges for detention to all open top cars, and cars backed with hunder, coal or coke, to be made effective upon not less than five days' notice and the Canadian Freight Association, in behalf of Canadian carriers engaged in interstate traffic passing through Canada, has applied to the Board for permission to publish and file tariffs in accordance therewith;—

It is ordered: That Canadian carriers of the said interstate traffic be, and they are hereby, permitted to publish and file tariffs in accordance with the said Special Permission No. 50321 of the Interstate Commerce Commission, to apply, at points in Canada, only on traffic "en route" from any point in the United States through Canada to any destination also in the United States.

F. B. CARVELL, Chief Commissioner.

OTTAWA, August 19, 1920.

## GENERAL ORDER No. 306

In the matter of minimum carload weights of grain and grain products moving from the United States into Canada, and rules and regulations applicable thereto.

File Nos. 27612 and 27612.20.

Whereas the Interstate Commerce Commission has, by its Special Permission No. 50450, dated at Washington, D.C., August 21, 1920, as amended, authorized the publication and filing, on one day's notice, special supplements to the tariffs of United States carriers establishing increased minimum weights on grain and grain products, in carloads, and rules and regulations applicable thereto, renewing and extending from September 1, 1920, to December 31, 1920, the said tariffs which would otherwise expire August 31, 1920, in accordance with the Interstate Commerce Commission's Special Permission No. 49801, dated March 17, 1920, and the Board's Special Authority No. 123, dated March 29, 1920,—

It is ordered: That the said Special Permission No. 50450, as amended, be, and it is hereby, approved with respect to the said traffic moving from points in the United States to destinations in Canada.

S. J. McLEAN,
Assistant Chief Commissioner.

Ottawa, August 28, 1920.

## GENERAL ORDER No. 307

In the matter of reconsigning rules and penalty charges for detention of equipment interstate traffic passing through Canada, and the General Order of the Board No. 305, dated August 19, 1920.

File No. 30451.

It appearing that the Interstate Commerce Commission has suspended clause 2 of the Emergency Penalty Charges authorized by its Special Permission No. 50321, dated July 31, 1920, the said clause 2 reading as follows:—

"On all open top cars and on all cars loaded with coal or coke not released within the free time as prescribed in the National Car Demurrage Rules, J. E. Fairbanks, I.C.C. No. 8, supplements thereto or reissues thereof, a storage charge of \$10 per car per day or fraction of a day will be made until car is released."

It is ordered: That the General Order of the Board No. 305, dated August 19, 1920, be, and it is hereby, amended accordingly.

F. B. CARVELL, Chief Commissioner.

Ottawa, September 1, 1920.

## GENERAL ORDER No. 308

In the matter at the application of the Railway Association of Canada, on behalf of the railway companies members thereof and of all other railway companies within the jurisdiction of the Board, for authority to make a general advance of thirty per cent in the tolls at present charged for the carriage of freight by the said companies; and the further application for an additional increase of ten per cent in all freight rates, and an increase of twenty per cent in passenger fares, fifty per cent in sleeping and parbour car rates, forty per cent in the rates on milk, and twenty per cent in the rates for excess baggage.

File No. 29996.

Upon hearing the applications at the sittings of the Board held in Ottawa, August 10, 11, 12, 18, 19, 20, and 21, 1920, in the presence of counsel for and representatives of the Canadian Pacific, Grand Trunk, Canadian Northern, Toronto, Hamilton & Bullulo, New York Central, Essex Terminal, Wabash, and Great Northern Railway companies, the Michigan Central Railroad Company, the Canadian Railway Association, the Canadian Freight Association, the Canadian Manufacturers' Association, the Livestock Dealers' Association, the Canadian Wholesale Grocers' Asso-Internation the Canadian Lumbermen's Association, the Retail Merchants' Association of Canada, the Clay Workers' Association, the Canadian Export Paper Company, the Dominion Canners, Limited, the Carnation Milk Products, Limited, the Riordan Paper Company, the National Dairy Council, the United Farmers of Ontario, the Canadian Council of Agriculture, certain commercial organizations of the Maritime Provinces, the Retail Coal Dealers of Ontario, the Eastern Canada Livestock Union, the Crushed Stone Industries of Ontario, the Western Canada Livestock Union, the Canadian Construction Company, Limited, the Boards of Trade of Winnipeg, Toronto, Montreal, and St. John, the city of Toronto, the Hamilton Chamber of Commerce, the London Chamber of Commerce, the Border Cities Chamber of Commerce, the Provinces of Manitoba, Saskatchewan, and New Brunswick and the Department of Public Highways for the Province of Ontario, the evidence offered and what was Alegel; and upon reading the written submissions filed, judgment, dated September 6, 1920, was delivered by the Chief Commissioner, and concurred in by the other members of the Board who heard the application, a certified copy of the said judgment being attached hereto marked "A,"-

It is ordered: That the changes in the tariffs of the companies operating steam reiways subject to the jurisdiction of the Board, as set forth in the judgment, which is hereby made part of this order, be, and they are hereby, authorized

F. B. CARVELL, Chief Commissioner.

OTTAWA, September 9, 1920.

## GENERAL ORDER No. 309

In the matter of the application of the Railway Association of Canada, on behalf of the railway companies members thereof and of all other railway companies within the jurisdiction of the Board, for authority to make a general advance of thirty per cent in the tolls at present charged for the carriage of freight by the said companies; and the further application for an additional increase of ten per cent in all freight rates and an increase of twenty per cent in passenger fares; fifty per cent in sleeping and parlour car rates; forty per cent in the rates on milk, and twenty per cent in the rates for excess baggage.

File No. 29996.

Supplements to the Standard Freight and Passenger Tariffs of the undermentioned railway companies having been filed on the basis prescribed by the Board's judgment, dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

It is ordered: That the following Supplements to Standard Freight Tariffs of Maximum Mileage Tolls be, and they are hereby, approved; the rate scales of the said tariffs to be published in at least two consecutive weekly issues of the Canada Gazette, preceded by the following notice:—

"The undermentioned Supplements to Standard Freight Tariffs having been filed for the approval of the Board of Railway Commissioners for Canada, and being found by the Board to be in accordance with its judgment, dated September 6, 1920, and its General Order No. 308, dated September 9, 1920, and having been approved by its General Order No. 309, dated September 9, 1920, the rate scales thereof are hereby published."

Atlantic, Quebec & Western Railway—Supplement No. 1 to C.R.C. No. 26.

Canadian National Railways—Supplement No. 1 to C.R.C. No. E. 115. Canadian Northern Railway—Supplement No. 1 to C.R.C. No. E. 1102.

Canadian Northern Railway—Supplement No. 1 to C.R.C. No. W. 1132.

Canadian Pacific Railway—Supplement No. 1 to C.R.C. No. E. 3543.

Canadian Pacific Railway—Supplement No. 1 to C.R.C. No. W. 2392.

Central Canada Railway—Supplement No. 1 to C.R.C. No. 33. Dominion Atlantic Railway—Supplement No. 1 to C.R.C. No. 576.

Edmonton, Dunvegan & British Columbia Railway—Supplement No. 1 to C.R.C. No. 86.

Esquimalt & Nanaimo Railway—Supplement No. 1 to C.R.C. No. 402. Glengarry & Stormont Railway—Supplement No. 1 to C.R.C. No. 93.

Grand Trunk Railway—Supplement No. 1 to C.R.C. No. E. 3957.

Grand Trunk Pacific Railway—Supplement No. 1 to C.R.C. No. 298.

Great Northern Railway—Supplement No. 1 to C.R.C. No. 1423.

Great Northern Railway—Supplement No. 1 to C.R.C. No. 1424.

Great Northern Railway—Supplement No. 1 to C.R.C. No. 1425.

Great Northern Railway—Supplement No. 1 to C.R.C. No. 1430.

Kettle Valley Railway—Supplement No. 1 to C.R.C. No. 174.

Michigan Central Railroad—Supplement No. 1 to C.R.C. No. 2812. Napierville Junction Railway—Supplement No. 1 to C.R.C. No. 198.

New York Central Railroad—Supplement No. 1 to C.R.C. No. 1650.

New York Central Railroad—Supplement No. 1 to C.R.C. No. 1681.

Quebec Central Railway—Supplement No. 1 to C.R.C. No. 681.

Quebec, Montreal & Southern Railway—Supplement No. 1 to C.R.C .No. 661.

Quebec Oriental Railway—Supplement No. 1 to C.R.C. No. 37.

Tan iscounts Railway—Supplement No. 1 to C.R.C. No. 328.

In the Hamilton & Bud do Railway Supplement No. 1 to C.R.C. No. 1227.

I is partly reviewd: That the following Supplements to Standard Passenger Tarin's of Maximum Mileage Tolls be, and they are hereby, approved; the said Supplements to be published in at least two consecutive weekely issues of the Canada Gazette, each preceded by the following notice;—

"The undermentioned Supplement to Standard Passenger Tariffs having In a filed for the approval of the Board of Railway Commissioners for Canada, and being found by the Board to be in accordance with its judgment, dated September 6, 1920, and its General Order No. 308, dated September 9, 1920, and having been approved by its General Order No. 309, dated September 9, 1920, is hereby published."

Canadian Northern Railway—Supplement No. 1 to C.R.C. No. E.1064.
Canadian Northern Railway—Supplement No. 1 to C.R.C. No. W.1492.
Canadian Pacific Railway—Supplement No. 1 to C.R.C. No. E.3187.
Grand Trunk Railway—Supplement No. 1 to C.R.C. No. E.2669.
Grand Trunk Pacific Railway—Supplement No. 2 to C.R.C. No. 660.
Halifax & South Western Railway—Supplement No. 1 to C.R.C. No. P. 77.
Michigan Central Railroad—Supplement No. 1 to C.R.C. No. 92.
New York Central Railroad—Supplement No. 2 to C.R.C. No. 191.
Toronto, Hamilton & Buffalo Railway—Supplement No. 1 to C.R.C. No. 1209.

S. J. McLEAN,
Assistant Chief Commissioner.

Ottawa, September 9, 1920.

# GENERAL ORDER No. 310

In the matter of the application of the Railway Association of Canada, on behalf of the railway companies, members thereof, and of all other railway companies within the jurisdiction of the Board, for authority to make a general advance of thirty per cent in the tolls at present charged for the carriage of freight by the said companies; and the further application for an additional increase of ten per cent in all freight rates and an increase of twenty per cent in passenger fares; fifty per cent in sleeping and parlor car rates; forty per cent in the rates on milk, and twenty per cent in the rates for excess baggage.

File No. 29996.

Supplements to the Standard Freight and Passenger Tariffs of the undermentional miles companies having been filed on the basis prescribed by the Board's John and September 6, 1920, and General Order No. 358, dated September 9, 1920,—

Who is the following Supplements to Standard Freight and Passenger Who is the and they are hereby, approved; the said Supplements together this order to be published in at least two consecutive weekly issues of the Canada Gazette:—

## FREIGHT

Albuma Central and Hudson Bay Railway—Supplement No. 2 to C.R.C. 478. Albuma, Fasiara Railway—Supplement No. 1 to C.R.C. 223. Central Vermont Railway—Supplement No. 1 to C.R.C. 1295.

Fredericton and Grand Lake Coal and Railway—Supplement No. 1 to C.R.C. 84. New Brunswick Coal and Railway—Supplement No. 1 to C.R.C. 51. Pere Marquette Railway—Supplement No. 1 to C.R.C. 2215.

## PASSENGER

Dominion Atlantic Railway—Supplement No. 1 to C.R.C. 404.

Fredericton and Grand Lake Coal and Railway—Supplement No. 1 to C.R.C. 4.

Great Northern Railway—Supplement No. 2 to C.R.C. 4161.

Glengarry and Storman Railway—Supplement No. 2 to C.R.C. 2.

Middle Railway—Supplement No. 2 to C.R.C. 2.

Midland Railway of Manitoba (Northern Pacific Ry.)—Supplement No. 1 to C.R.C. 317.

New Brunswick Coal and Railway—Supplement No. 1 to C.R.C. 4. Pere Marquette Railway—Supplement No. 1 to C.R.C. 580. Quebec Central Railway—Supplement No. 1 to C.R.C. 174. Wabash Railway—Supplement No. 1 to C.R.C. 996.

Central Vermont Railway—Supplement No. 1 to C.R.C. 502.

S. J. McLEAN,
Assistant Chief Commissioner.

Ottawa, September 15, 1920.

## GENERAL ORDER NO. 311

In the matter of the application of the Railway Association of Canada, on behalf of the railway companies members thereof and of all other railway companies within the jurisdiction of the Board, for authority to make a general advance of 30 per cent in the tolls at present charged for the carriage of freight by the said companies; and the further application for an additional increase of 10 per cent in all freight rates and an increase of 20 per cent in passenger fares; 50 per cent in sleeping and parlour car rates; 40 per cent in the rates on milk; and 20 per cent in the rates for excess baggage.

File No. 29996.

Whereas Standard Freight Tariffs or Supplements thereto of the undermentioned railway companies have been filed on the basis prescribed by the judgment of the Board dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

It is ordered: That the following Standard Freight Mileage Tariff and Supplements be, and they are hereby, approved; the said tariff and supplements, with a reference to this order, to be published in at least two consecutive weekly issues of the Canada Gazette:—

Essex Terminal Railway—C.R.C. No. 544. Boston & Maine Railroad—Supplement No. 1 to C.R.C. No. 1908. Maine Central Railroad—Supplement No. 1 to C.R.C. No. C1566.

F. B. CARVELL,

Chief Commissioner.

OTTAWA, September 23, 1920.

## GENERAL ORDER NO. 312

In the matter of the question of the coal supply in Canada; and in the matter of an Order amending the General Order of the Board No. 301, dated the 22nd July, 1920, and the powers conferred upon the Board by Chapter 66 of the Acts of Parliament of Canada, 1920.

File No. 30331.51.

Upon its appearing to the Board that a permit system is essential to render more effective the intent and purpose of General Order No. 301, dated the 22nd day of July, A.D. 1920; and in pursurance of the powers conferred by the said Act, chapter 66, 1920,—

The Board doth order: That the said General Order No. 301, dated the 22nd day of July, A.D. 1920, be, and it is hereby, amended by the addition thereto of the following words, namely: "And in the case of each shipment by water to the United States an export permit must first be secured from this Board".

F. B. CARVELL, Chief Commissioner.

OTTAWA, September 24, 1920.

## GENERAL ORDER NO. 313

In the matter of the General Order of the Board No. 393, dated August 13, 1920, providing that the proportions of through rates, fares, and charges between the United States and Canada, in both directions, in effect at the date of the Order, accruing within Canada, may, by general or blanket supplement to existing tariffs, be increased to conform to the increased rates, fares, and charges authorized by the Interstate Commerce Commission by Order dated July 29, 1920.

File No. 30437.

Whereas by Special Permission No. 50480, dated Washington, D.C., August 26, 1920, the Interstate Commerce Commission authorized United States carriers or the large to the upon one day's notice, special supplements correcting increased rates and charges filed under but not in conformity with its Order dated July 29, 1920, as amended August 11 and August 18, 1920,—

It is therefore ordered: That the said General Order of the Board No. 303 be, and it is hereby, amended to provide that the said corrections, where necessary, be made in the general or blanket supplement authorized by the general order of the Board No. 303, dated August 13, 1920, upon one day's notice.

S. J. McLEAN, Assistant Chief Commissioner.

OTTAWA, September 22, 1920.

## GENERAL ORDER No. 314

In the matter of the question of the coal supply of Canada and the powers conferred upon the Board by Chapter 66 of the Acts of the Parliament of Canada, 1920

File No. 30331.1

Upon its appearing to the Board that there is a real or apprehended scarcity of coal, with a view to conserving the supply and so far as possible ensuring the equitable

distribution and disposition thereof; in pursuance of the powers conferred upon the Board by the said Act, chapter 66, in amendment to the Railway Act, 1919, and under the said Railway Act,-

The Board orders: That the following "Regulations" governing the control of fuel supplies be, and they are hereby, prescribed for observance and use in Canada, as therein provided:-

#### REGULATIONS

### PART A.

#### INTERPRETATION

(1) In these and all other regulations issued by the Board in its capacity as Fuel Controller for Canada, unless the context otherwise requires,—

(a) "Broker" means a person who buys and sells coal or arranges such transactions between buyer and seller, but in either event does not physically receive and handle the coal.

(b) "Wholesale dealer" means a person who physically handles and sells coal to

a retail dealer.

(c) "Retail dealer" means a person who physically handles and sells coal to a consumer.

(d) "Dealer" means any wholesale or retail dealer.

(e) "Consumer" means a user of coal for domestic, industrial, or any other

purposes.

(f) "Fuel Administrator" means any individual or board appointed under para-

graph 2 of this part.

(g) "Fuel Commissioner" means any individual or board appointed under paragraph 4 of this part.

(h) "Coal" means coal or lignite.

(i) "Person" includes natural persons and bodies corporate.

## ORGANIZATION AND LICENSING OF DEALERS

#### Provincial.

(2) The Government of each of the provinces of Canada may appoint a Provincial Fuel Administrator or Board of Administrators for such province, and may create such central provincial organization as may be deemed necessary. Any expense so incurred shall be borne by each province.

(3) The powers and duties of Fuel Administrators so appointed shall, subject to any orders, regulations, or directions of the Board, be as follows:—

(a) To supervise the distribution of all coal and other fuel imported into or made available within such province.

(b) To develop the demand for and supply of wood and other coal substitutes

to the greatest possible extent.
(c) To promote and administer any organization prescribed by these regulations

within the province.

(d) To gather and compile, in collaboration with the Dominion Bureau of Statistics, statistics dealing with the production and consumption of fuel of all kinds within the province.

(e) To promote within the province the greatest development of any coal areas available.

(f) To issue orders to dealers, consumers, and others within the province regarding the distribution and use of coal. (g) To license, as hereinafter provided, brokers, dealers, and others desirous of

engaging in the business of selling coal.

(h) Generally to assist and advise the Board in regard to fuel matters and the enforcement of any orders or regulations that may from time to time be prescribed by the Board.

## Municipal

(4) The council of any municipality may appoint a Local Fuel Commissioner or Board of Fuel Commissioners with such organization as may be deemed necessary. Any expenses so incurred shall be borne by the municipality.

(5) On the petition of two-thirds of the dealers in any municipality, addressed to the Fuel Administrator, preferring complaint against any Fuel Commissioner, the said Fuel Administrator shall forthwith cause an investigation to be made into the said complaint, and if sufficient cause be shown may call upon the municipality to remove such officer.

(6) The duties of Fuel Commissioners shall be,-

(a) To co-ordinate the work of fuel dealers in apportioning and delivering coaduring any period of fuel scarcity within such municipality.

To institute when deemed necessary a system of controlling retail coal deliveries through orders on dealers within the municipality issued by the Fuel Commissioner.

(c) Generally to assist the Fuel Administrator in enforcing such orders and regulations as may from time to time be made by the Board or by the Fuel

## Dealers' Permits

(7) Any person engaged in or who desires to engage in the business of selling can a broker, wholesale or retail dealer may be required by the Provincial Fuel Administrator to apply for a permit as hereinafter set forth in Form "A" or Form "B." Such permit when issued, must be prominently exposed in the permittee's office, and the Provincial Fuel Administrator may order that no one shall commence the inciness of selling coal as a broker, wholesaler, or retailer without first obtaining a permit in said Form "A" or "B," as the case may be.

(8) Fees on a basis approved by the Government of any province may be charged

(8) Fees on a basis approved by the Government of any province may be charged for dealers' permits in such province, and such dealers' permits shall only be valid for the coal year within which they are issued.

(9) Dealers or brokers carrying on business and accepting orders for coal in the coal of the coal who maintain branch offices within the same municipality or in other municipalities, may be required to secure a permit for each such separate

(10) Every application for a dealer's permit shall be in the Form "C," as here-inafter set forth, and shall be mailed by registered letter with all fees payable therefore to the Fuel Administrator for the province within which the applicant

conducts business.

(11) On receipt of any application for a dealer's permit and the proper fee therefor, the Fuel Administrator shall, if the application be approved by him, mail

the return the ruler Administrator shall, if the application be approved by him, many to the applicant a receipt for the amount so paid, together with the said permit.

(12) On receipt by the Fuel Administrator of an application for a dealer's permit and the proper fee therefor, if the said application be not approved by him, the said the shall be returned to the applicant, and a report stating the reason for disapproval shall forthwith be mailed by him to the said applicant.

(12) All fees collected by the Fuel Administrator in respect to dealers' permits the line which the first transfer of the applicant and shall be retired by the first transfer of the applicant.

shall be paid by him to the Government of the province, and shall be utilized by such province towards defraying any expenses incurred in connection with the Office of the Fuel Administrator for such province.

# Cancellation of Permits

(14) In case may broker or dealer fails to obey any directions in writing issued by the Fael Administrator or the Fuel Commissioner, or is found guilty of having given short weight, or in case there is other sufficient cause as to which the Fuel Administrator shall be the judge, the said Fuel Administrator may forthwith suspend or cancel any permit issued by him upon giving notice to the permittee by registered letter, and may afterwards renew such permit as he may in his discretion see fit.

## PART B

## LOCAL CONTROL AND DISTRIBUTION

(1) Tax Fuel Administrator may give directions in writing to the Fuel Comof the Board that may be in force, and shall file a copy of such directions with the Board. The Fuel Commissioner shall forthwith mail a copy of the said directions to each dealer within the municipality by registered letter.

## Restriction of Coal Deliveries

(2) No dealer shall sell or deliver to a consumer, and no consumer shall receive any quantity of coal which, added to the quantity of such coal which such consumer may then have on hand, would constitute more than an estimated supply sufficient for such percentage of such consumer's normal needs to the 31st March, 1921, as may from time to time be determined by the Fuel Administrator.

(3) When so ordered by the Fuel Administrator, all dealers in any municipality selling coal direct to consumers shall require each consumer to sign a statement in Form "D" hereto.

(4) Notwithstanding the absence of any specific order under paragraph (3)

by the Fuel Administrator any dealer selling coal direct to a consumer may require the said consumer to sign a statement in Form "D" hereto.

(5) The production by any dealer of a statement signed by the consumer as set forth in Form "D" hereto shall, if in conformity with Section (2), be prima facie evidence that no breach of section (2) hereof has been made by such seller.

## Restricting Use of Coal

(6) The Fuel Commissioner, with the approval of the Fuel Administrator, may by registered letter issue orders to any or all fuel dealers within the municipality prohibiting such fuel dealers from supplying coal for any stated period, or until otherwise directed, to any individual consumer or group of consumers requiring coal for purposes not deemed vitally important.

(7) Upon the written recommendation of the Fuel Commissioner, the council of

any municipality may make orders governing the curtailment in the use of coal or wood in public halls or other meeting places within the municipality.

(8) Anthracite coal of what is commonly known as prepared sizes shall not be used by any individual consumer for heating or power purposes except with the written

consent of the Fuel Administrator.

Whenever deemed desirable by the Fuel Administrator, he may by registered letter addressed to the Fuel Commissioner or to any consumer in any town or city within his Province, prohibit entirely or limit in any manner he may deem advisable the use of anthracite coal of what is commonly known as prepared sizes in any class of buildings whatsoever within such town or city.

Provided, however, that the owner or agent of any building so restricted may, on showing cause, obtain a permit in writing signed by the Fuel Administrator to

use anthracite coal without any restriction.

(10) Whenever any formal order has been issued under paragraph (9) hereof, the Fuel Administrator shall forthwith cause a copy of such order to be inserted in at least one issue of any newspaper published in the town or city affected.

#### Requisitioning of Coal

(11) When in the judgment of the Fuel Commissioner an emergency exists, he may, subject to the approval of the Fuel Administrator, requisition any quantity of anthracite coal in the possession of any consumer in excess of the supply permitted under section (2) hereof, and may direct the disposal of such excessive supply of coal.

(12) Where a requisition is made pursuant to the provisions of section (11) hereof, the Fuel Commissioner may authorize any local dealer to enter the premises of the consumer named therein and remove therefrom the required quantity of coal, and deliver the same to such person as he may direct. Such dealer shall be liable to pay to the owner of such coal the compensation due to him under section (13) hereof, and may charge the person to whom it is delivered such price per ton as will reimburse him the amount of such compensation plus actual cost of delivery and profit not exceeding twenty-five cents per ton.

(13) The compensation to be paid the owner of any coal so requisitioned shall be the actual value of the said coal at retail at the time of such requisitioning, or at his option, the actual cost at the time of purchase plus seven per cent interest to date of requisition. In case of disagreement the decision of the Fuel Commissioner

shall be final.

(14) For his information and assistance in carrying out the provisions of paragraphs (11), (12), and (13) hereof, the Fuel Administrator may require the council of any municipality:-

(a) To cause an immediate and independent investigation to be made into the local fuel situation, and to report the result to him.

(a) To state by formal resolution whether or not in its opinion an emergency justifying requisitioning of coal under the preceding provisions actually exists.

(c) To submit to him recommendations with regard to any matter connected therewith.

## Delivery Facilities

(15) The Fuel Commissioner may, by written notice directed to any fuel dealer, carter, or any other person within the municipality, requisition the use of any horse, wagon, sleigh, and other delivery equipment owned by or being in the custody of such person for the purpose of expediting coal deliveries during any period when an emergency is deemed by such Fuel Commissioner to exist. He shall also fix the remuneration and make directions for the use of such equipment.

## Reports and Notices

- (16) The Fuel Commissioner may, by written notice, require any dealer within the municipality to furnish him daily with statements showing—
  - (a) Tonnage of coal of various classes received the previous day and total quantity on hand.

(b) A list of orders for coal booked by him the previous day.

(c) A list of coal deliveries showing quantity by class and name and address of each recipient made by him the previous day.

(4) The prices charged for coal so delivered.

- (17) Every retail coal dealer may be required by the Fuel Commissioner to post in a prominent place in that portion of his office to which the public has access, a conspicuous typewritten or printed notice containing a list of prevailing retail prices of all classes and sizes of coal handled by him with cash discounts allowed, if any.
- (18) Every retail coal dealer may be required to notify the Fuel Commissioner of any proposed changes in the selling prices of coal or extra charges to be imposed for any naul deliveries, or for any other reason, or for deduction made from standard prices in connection with yard deliveries.

#### PROSECUTIONS AND PENALTIES

(19) No information shall be laid by anyone excepting the Board against any dealer or broker without first submitting the facts to the Fuel Administrator and obtaining his consent in writing, and in all cases where information is laid by any municipal authority under these regulations, such municipality shall be entitled to

receive all fines imposed in such cases.

(20) Any (a) dealer or other person contravening any of the provisions of these regulations, or failing to observe any directions of the Board or of the Fuel Administrator under these regulations, or making a false statement in the form set out in paragraphs (3), (4), or (16) of Part B hereof, knowing the same to be false; or (b) consumer of coal who, within ten days following the receipt of any request in writing from the Provincial Fuel Administrator or from the Local Fuel Commissioner, fails to furnish any information so called for respecting the fuel requirements or consumption for any specified period, or respecting the heating or power equipment of any premises occupied by him or in his charge as tenant, agent, or owner, or who furnishes false information in such matters to the said Fuel Administrator or Fuel Commissioner knowing the same to be false, shall be guilty of an offence, and shall be liable for each such offence to a penalty of not less than \$20 and not more than \$5,000, in the discretion of the court before which the same is recoverable.

(21) Where an information is laid against any dealer or broker for an offence under paragraph (12) hereof, the onus shall be upon the defendant to establish that

the prices charged by him did not exceed those authorized by these regulations.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, October 5, 1920.

## GENERAL ORDER No. 314

## FORM "A"

	PERMIT TO ACT	DURING THE	COAL	YEAR 19	20-21 AS	BROKER,	WHOLESALE	DEALER.
OR	RETAIL DEALER IN	COAL PRODUCE	D IN	CANADA	EXCLUSIV	ELY.		,

OR RETAIL DEALER IN COAL PRODUCED IN CANADA EXCLUSIVELY.
In accordance with the General Order No. 314 of the Board of Railway Commissioners for Canada, under paragraph 7 of Part "A" of the said Order, dated the 5th October, 1920, permission is hereby granted to
to act as broker, wholesale or retail dealer in coal produced in the Dominion of Canada exclusively.  This permit is not transferable, and is valid until the 31st March, 1921, only The issuance of this permit does not relieve the above concern of the necessity for obtaining any other permit or license that may be required under Dominion provincial, municipal or other authority.
Fuel Administrator for the Province of
Date192
(This permit to be issued in triplicate, one copy to be mailed or delivered to $(a)$ the permittee, one to $(b)$ the Board of Railway Commissioners for Canada, and one $(c)$ to be retained by the Provincial Fuel Administrator issuing the same.)
FORM "B"
PERMIT TO ACT AS BROKER, WHOLESALE DEALER, OR RETAIL DEALER IN COAL IN CANADA FOR THE COAL YEAR 1920-21.
In accordance with General Order No. 314 of the Board of Railway Commissioners for Canada, under paragraph 7 of Part "A" of the said Order, dated the 5th October, 1920, permission is hereby granted to
to act as broker, wholesale dealer, or retail dealer in coal in the Dominion of Canada.  This permit is not transferable, and is valid until the 31st of March, 1921, only.  The issuance of this permit does not relieve the above concern of the necessity for obtaining any other permit or license that may be required under Dominion, provincial, municipal, or other authority.
Fuel Administrator for the Province of
Date
FORM "C"
APPLICATION FOR COAL DEALER'S PERMIT
Date
SIR,—Under paragraph (10) of Part "A" of General Oredr No. 314 of the Board of Railway Commissioners for Canada, dated the 5th October, 1920, application is hereby made for a permit to act as broker, wholesale, or retail dealer in coal in Canada, as indicated hereunder.

(State whether broker, wholesale dealer, or retail dealer.)

11	GE	OR	GE	٧.	Α.	19	21
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11 GEORGE V, A. 1921
Durit the twelve months commencing the 1st of April, 1919, and ending the 31st March, 1920, the amount of coal of all grades delivered by us was
paragraph (b), so as to show which kind of permit is desired.  (a) I desire a permit to deal in coal produced in Canada only;  or  (b) I desire a permit to deal wholly or
Remittance of \$ is enclosed herewith, based on the scale of fees set
forth below.  The permit should be made out in the name of
(State name of company or firm in full.)
All communications from the Board of Railway Commissioners for Canada or the
(State name of official and position.)
(State address.)
Name of official or partner
Scale of Fees Payable to Fuel Administrator for Dealer's Permits.  (To be set forth hereunder.)
FORM "D"
Consumer's Statement under paragraph (3), Part "B," of the General Order 1920.
(Name of applicant) of (city, town, or village)
(Street and number) hereby applies to
coal dealers for tons of tons of
making a total of tons of tons of
It is hereby certifiedtons of other coal.
(1) That the undersigned now has on hand at the premises
for which the said coal is required, the following estimated quantities of the same class and grade of coal, namely:
tons of
making a total of
(2) That the applicant's total normal requirements for the said premises of the same class and grades of coal for the year ending 31st March, 1921, are estimated
at tons of anthracite, prepared sizes, including

pea ..... tons of anthracite, smaller varieties;.....

tons of bituminous.

(3) That during the year ending 31st March, 1920, the undersigned actually used for the said premises the following coal:
(4) That this is the only order given by the applicant for any coal of the same class or grade as now applied for since the 1st of April, 1920, except as follows:
•••••••••••••••••••••••••••••••••••••••
(5) That the quantity applied for above, together with the quantity of the same class or grades which the undersigned now has on hand, will not exceed the maximum supply permitted under paragraph (2), Part "B," of the General Order of the Board of Railway Commissioners for Canada, and any amendments thereto, issued through the Fuel Administrator or otherwise.
(6) The undersigned (if a farmer) hereby affirms that he has no supply of wood available on his property.
The foregoing statement is declared to be correct in every particular.
Dated at
Witness
(Signature of applicant)

· Important.—This form must be mailed to the Local Fuel Commissioner. If no such officer is available, it must be kept on file by the dealer until such time as a Local Fuel Commissioner is appointed.

### GENERAL ORDER No. 315

In the matter of the application of the Department of Health for the Dominion of Canada, hereinafter called the "applicant," under the provisions of the Railway Act, 1919, for permission to place signs dealing with the prevention and spread of venereal disease in coaches and railway station lavatories of railway companies operating in Canada under the jurisdiction of the Board.

File No. 30525

Upon its being represented to the Board that the signs in question are issued under the authority of the Department of Health of the Dominion of Canada, and reading what is filed in support of the application,—

The Board orders: That permission be granted the applicant to place signs dealing with the prevention and spread of veneral disease in all coaches and station lavatories of railway companies in Canada subject to the jurisdiction of the Board: Provided that a notation be carried on the bottom of each copy of the sign set up or placed under the provisions of this order to the effect that the same is issued under the authority of the Department of Health for the Dominion of Canada.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, September 29, 1920.

## GENERAL ORDER No. 316

In the matter of the question of the coal supply of Canada; and in the matter of expediting the transportation performance of coal-carrying equipment in Canada, and the powers conferred upon the Board by Chapter 66 of the Acts of the Parliament of Canada, 1920.

File No. 30331.4001

Upon its appearing to the Board that there is a shortage of coal-carrying equipment, and that the rate at which coal cars have been and are being unloaded is impeding the full utilization of available equipment; and in pursuance of the powers conferred by the said Act, chapter 66, 1920,—

The Board doth order: That whenever, by reference from the Board or otherwise, it comes to the knowledge of the Fuel Administrator for the time being of any province, duly appointed by the Government of such province, that any freight car containing coal or coke has remained under load at its destination or elsewhere on any railway in Canada for a longer period than six days after arrival, the Fuel Administrator may notify the consignee by registered mail or by telegram that unless the said car is unloaded, or furtherance order given as the case may be, within two days after date of such notice, the Fuel Administrator will take the action hereinafter outlined, and the Fuel Administrator may thereupon authorize the railway company to seize the contents of the said car and summarily offer the same for sale to the municipality at which the said car is seized, and to any coal or coke dealers at the said point, and to sell the same to the municipality or the dealer offering the highest price therefor; and after paying all charges that may be due and chargeable thereon, as well as the expenses connected with the seizure and sale, the railway company shall pay the balance, if any, of the proceeds of such sale to the consignee or to the consignor, as their interest may appear.

The Board doth further order: That any Fuel Administrator taking action under the foregoing paragraph shall thereupon report to the Board what action has been taken by him, together with recommendations for any further action he may deem necessary.

S. J. McLEAN,

Assistant Chief Commissioner

OTTAWA, October 5, 1920.

# GENERAL ORDER No. 317

In the matter of the application of the Railway Association of Canada, on behalf of railway companies subject to the jurisdiction of the Board, for free transportation under Section 345 of the Railway Act, 1919.

File No. 496.29

Upon reading the application and considering what has been urged in support thereof,—

The Board orders: That the railway companies subject to the jurisdiction of the Board be, and they are hereby, permitted, until further Order, to issue free transportation in the following instances, namely:—

(a) Agents of the Immigration and Colonization Departments, Provincial Governments of Ontario, Quebec, New Brunswick, Nova Scotia, and Prince Edward Island, accounts measurements of immigrants from the Atlantic scalegard to points within their respective provinces, or when travelling to the seaboard for this purpose.

(b) Railroad Y.M.C.A. officers and employees bona fide engaged in railway work and dependent members of their families over railway upon which railroad branch of Y.M.C.A. at which employed is located; also such general officers of the Y.M.C.A. as are bona fide engaged in railway work.

(c) Such officers and agents of the Salvation Army as are bona fide engaged in

immigration work.

OTTAWA, October 27, 1920.

S. J. McLEAN. Assistant Chief Commissioner.

# GENERAL ORDER No. 318

In the matter of the General Order of the Board No. 314, dated October 5, 1920. adopting regulations governing the control of fuel supplies.

File No. 30331.1.

Whereas it is deemed desirable by the Board that the said regulations be amended to provide for the distribution of coal at fair and reasonable prices,-

It is accordingly ordered: That the said General Order No. 314, dated October 5, 1920, be, and it is hereby, amended by substituting for paragraph (h) in section 3, part "A" of the order the following, namely:-

"(h) To fix and determine, in case of need and subject to the approval of the Government of the province, the maximum prices at which any or all classes and grades of fuel may be sold and distributed within any municipality."

And adding, as paragraph (i) to the said section 3, the following:

"(i) Generally to assist and advise the Board in regard to fuel matters and the enforcement of any orders or regulations that may from time to time be prescribed by the Board."

S. J. McLEAN,

OTTAWA, November 13, 1920.

Assistant Chief Commissioner.

## GENERAL ORDER No. 319

In the matter of the complaint of the Premier Milling Company of Portage la Prairie, Manitoba, against the increase, on August 26, 1920, of the charge for milling grain in transit in Canada in connection with the International movement from one to one and one-half cents per one hundred pounds.

File No. 8641.16.

Upon its appearing that the Canadian Pacific and the Grand Trunk Pacific Railway Companies on October 25, 1920, and the Canadian National Railways on November 1, 1920, voluntarily reduced the said charge for milling grain in transit in Canada to one cent per one hundred pounds; upon reading what is alleged in support of the complaint and on behalf of the Winnipeg Board of Trade and the Canadian Pacific Railway Company; and upon report and recommendation of the Chief Traffic Officer of the Board,-

It is declared: That the proper charge for milling in transit within Canada of grain, the product of which is reshipped to the United States, was one cent per one hundred pounds on and after the 26th day of August, 1920.

F. B. CARVELL,

OTTAWA, November 30, 1920.

Chief Commissioner.

## GENERAL ORDER No. 320

It is the special of the National Dairy Council of Canada, hereinafter the state of the National Dairy Council of Canada, hereinized cream by express at the rates for ordinary cream.

File No. 4397.53.

The heart in on Tradien at the sittings of the Board held in Ottawa, over the tradition of Canada, and the Damision and Canadian Express Companies being represented at the hearing, and what was alleged,—

subject to the jurisfletier of the Board at the same rates as ordinary cream; and that the properties of the Board at the same rates as ordinary cream; and that the properties of the Board at the same rates as ordinary cream; and that the properties of the Board at the same rates as ordinary cream; and that the properties of the Board at the same rates as ordinary cream; and that the properties of the Board at the same rates as ordinary cream; and that the properties of the Board at the same rates as ordinary cream; and that the properties of the Board at the same rates as ordinary cream; and that the properties of the Board at the same rates as ordinary cream; and that the same rates as ordinary cream; and that the same rates as ordinary cream; and the properties of the Board at the same rates as ordinary cream; and the properties of the Board at the same rates as ordinary cream; and the properties of the Board at the same rates as ordinary cream; and the properties of the Board at the same rates as ordinary cream; and the properties of the Board at the same rates as ordinary cream; and the properties of the Board at the same rates as ordinary cream; and the properties of the Board at the same rates as ordinary cream; and the Board at the same rates are properties of the Board at the same rates are properties.

F. B. CARVELL,

OTTAWA, December 9, 1920.

Chief Commissioner.

# GENERAL ORDER No. 321

In the matter of Sections 167 and 170 of the Railway Act, 1919,, and the question of the form evidence of the Board's approval of route maps or location plans thereunder shall take.

File No. 29383.1.

The noncest wint have considered at a meeting of the Board held in the Chief Commission of the Loy November 30, 1920, at which were present the Chief Commissioner, the Deputy Chief Commissioner, and Commissioner, Boyee and Rutherford, it was decided that all route maps and hand at plants proved and sanctioned by the Board be signed by the Chief Commissioner.

The Board accordingly so orders and declares.

OTTAWA, December 2, 1920.

F. B. CARVELL, Chief Commissioner.

# GENERAL ORDER No. 322

In the matter with a complaint of the Brotherhood of Locomotive Engineers and the Brotherhood of Locomotive Firemen and Enginemen with regard to Special Instruction "L" Canadian Pacific Railway Timetable, covering station limits.

File No. 4135.26.

Thus 'aring the complaint at the sittings of the Board held in Ottawa, November 1, 1910, the complainants, the Canadian Pacific Railway Company, and the Canadian National Railways being represented at the hearing, and what was alleged,—

The Board Orders: That all railway companies subject to the jurisdiction of the Board bot, quired to withdraw Special Instruction "E" from their respective workful time ables, and hereafter observe the Uniform Code of Rules for Canadian railway amounted by the General Order of the Board No. 42, dated July 12, 1909; the teasesty dangers and instructions to employees to become effective on the 1st day of June, 1921.

OTTAWA, December 10, 1920.

F. B. CARVELL, Chief Commissioner.

## GENERAL ORDER No. 323

In the matter of the application of railway companies subject to the jurisdiction of the Board for approval of reduced standard passenger fares to become effective January 1, 1921.

File No. 29996.25.

Whereas supplements to standard passenger tariffs have been filed by the undermentioned railway companies, to become effective January 1, 1921, on the reduced basis prescribed by the judgment of the Board dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

The Board Orders: That the following supplements to standard passenger tariffs be, and they are hereby, approved; the said supplements to be published in at least two consecutive weekly issues of the Canada Gazette, prescribed by the following notice:—

"The undermentioned supplements to standard passenger tariffs, effective January 1, 1921, having been filed for the approval of the Board of Railway Commissioners for Canada, and having been found by the Board to be in accordance with its judgment, dated September 6, 1920, and its General Order No. 308, dated September 9, 1920, and having been approved by its General Order No. 323, dated December 14, 1920, the same are hereby published."

	C.R.C. No	٦.
Boston & Maine Railroad Supplement No		05
Canadian National Railways Supplement No	o. 2 to	
Canadian 1		64
Canadian National RailwaysSupplement No		-
Canadian N		92
Canadian National RailwaysSupplement No		_
H. & S. W		77
Canadian Pacific Railway Supplement No	o. 2 to E-31	87
Central Vermont Railway Supplement No	o. 3 to 5	02
Dominion Atlantic Railway Supplement No	o. 2 to 4	04
Fredericton & Grand Lake Coal and		
Railway Supplement No	o. 2 to	4
Glengarry & Stormont Railway Supplement No	o. 3 to	2
Grand Trunk Pacific Railway Supplement No	o. 3 to 6	60
Grand Trunk Railway Supplement No	o. 3 to E-26	69
Great Northern Railway Supplement No	o. 3 to 110	61
Maine Central Railroad Supplement No	o. 3 to 21	14
Michigan Central Railroad Supplement No	o. 3 to 24	41
Napierville Junction Railway Supplement No	o. 3 to	92
New Brunswick Coal & Railway Supplement No	o. 2 to	4
New York Central Railroad Supplement No	o. 4 to	91
Northern Pacific Railway (Midland		
Railway Company of Manitoba). Supplement No	o. 2 to · 39	17
Père Marquette Railway Supplement No	o. 2 to 58	30
Quebec Central RailwaySupplement No	o. 2 to 17	74
Toronto, Hamilton & Buffalo Supplement No	. 2 to 120	9
Wabash Railway Supplement No	. 2 to 99	16

F. B. CARVELL, Chief Commissioner.

Ottawa, December 14, 1920.

# GENERAL ORDER No. 324

In ite matter of the application of railway companies subject to the jurisdiction of the Total for appearal of radiced standard freight tariffs of maximum mileage tolls, to become effective January 1, 1921.

File No. 29996.25.

Whore a standard freight taries have been filed by the undermentioned railway companies, to become elective January 1, 1921, on the reduced basis prescribed by the judament of the Board dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

The Beard Orders: That the following standard freight tariffs of maximum talls in, and they are hereby, approved; the rate scales of the said tariffs to be published in at least two consecutive weekly issues of the Canada Gazette preceded

by the following notice:-

"The undermentioned standard freight tariffs having been filed for the approval of the Board of Railway Commissioners for Canada, and having been found by the Board to be in accordance with its judgment, dated September 0, 1920, and its General Order No. 308, dated September 9, 1920, and having Leen approved by the General Order of the Board No. 324, dated December 14, 1920, the rate scales thereof are hereby published."

	C.R.C.	No.
Algoma Central & Hudson Bay Railway	556	
Algoma Eastern Railway	287	
Atlantic, Quebec & Western Railway	83	
Boston & Maine Railroad	2047	
British Columbia Electric Railway	164	
E CONTRACTOR DE LA CONT	(E-177	
Canadian National Railways	{ E-178	
	W-110	
Canadian Pacific Railways	E-3796	
	( 11 - 2010	
Central Vermont Railway	1549	
Cumberland Railway & Coal Company	13	
Dominion Atlantic Railway		
Esquimalt & Nanaimo Railway	468	
Essex Terminal Railway		
Fredericton & Grand Lake Coal & Railway	103	
Glengarry & Stormont Railway	149	
Grand Trunk Railway	E-4366	
Grand Trunk Pacific Railway	424	
	[1627	4.000
Great Northern Railway	{1628,	1629
77 (1) 77 11 70 11	1630	
Kettle Valley Railway	251	
Maine Central Railroad	C-1945 2978	
Michigan Central Railroad		
Napierville Junction Railway	70	
New Brunswick Coal & Railway.  New York Central Railroad.	2269.	9970
		2210
Père Marquette Railway	2010	

	C.R.C. No.
Quebec Central Railway	744
Quebec Oriental Railway	101
Temiscouata Railway	413
Thousand Island Railway	381
Toronto, Hamilton & Buffalo Railway	1295

F. B. CARVELL, Chief Commissioner.

OTTAWA, December 14, 1920.

### GENERAL ORDER No. 325

In the matter of the question of the adoption of a standard size for cattle-pass construction.

File No. 27497.2.

Upon reading what has been filed in this matter on behalf of the railway companies, the reports of the Chief and the Assistant Chief Engineers of the Board; and in pursuance of the powers conferred upon it by Sections 272 and 287 of the Railway Act, 1919, and of all other powers possessed by the Board in that behalf,—

The Board Orders: That all cattle passes hereafter constructed by railway companies within the legislative authority of the Parliament of Canada be at least five feet wide and six feet high, which dimensions are hereby required to be adopted as a standard for cattle-pass construction, unless otherwise ordered by the Board where upon application, it is shown that special conditions call for a departure from such standard.

F. B. CARVELL, Chief Commissioner.

OTTAWA, December 20, 1920.

### CIRCULAR No. 186

January 5, 1920.

RULES FOR WIRES ERECTED ALONG OR ACROSS RAILWAYS

Case 4704.

Referring to Circular No. 167; dated June 19, 1918, to the effect that under the provisions of the old Act and the amendment of 1911, section 7, c. 22, General Order No. 231, dated May 6, 1918, and the rules thereby adopted and confirmed, applied only to construction across a railway.

Section 372 of the Railway Act, 1919, is not so limited and applies to construction

along as well as across a railway.

Where, therefore, the construction, whether along or across the railway, is by consent and in accordance with the Standard Conditions and Specifications set out in the schedule to General Order No. 231, and approved by that order, no further leave of the Board is necessary.

Yours truly.

A. D. CARTWRIGHT, Secretary.

### CIRCULAR No. 187

February 10, 1920.

SPECIAL ORDERS DISPENSING WITH STANDARD CLEARANCES

File 1750.18

i... n declied by the Board that in future wherever the standard clearances of the Ley General Orders of the Board are relaxed upon special conditions, the order annually the less than standard clearances will be subject to the condition that the applicant company undertake to keep its employees off the tops and sides of cars (as the cuttomer case may call for) when operating on the sidings or tracks and so long as the said undertaking shall be performed.

By Order of the Board.

A. D. CARTWRIGHT, Secretary.

### CIRCULAR No. 188

March 9, 1920.

PROCEDURE BY BOARD AS TO SERVICE

File 8654.

In correspondence with the Board, various railway companies contend that there would be a saving of one in handling complaints if, in cases where complaints are formulable to be Board and the Board assumes the burden of making service thereof, the compositive were taken up with the legal department of the railway instead of being handled through the local agent in Ottawa.

The Board degree each rallway company to intimate the practice which it prefers

to have carried out in this respect.

After the written submissions have been considered, the modifications, if any, which may be introduced by the Board in respect of service of complaints will in no way submissions of section 55 of the Railway Act and in particular will not modify the obligation provided for in subsection 2 of section 55 as to the maintaneous and are new leads in the office of the Secretary, said book to contain the information as provided for in the subsection.

By Order of the Board.

A. D. CARTWRIGHT, Secretary.

### CIRCULAR No. 189

March 29, 1920.

Re CHANGING THE NAMES OF STATIONS

File 18540.25.

Addications are from time to time made to the Board by the residents of different brealitation for orders requiring railway companies to change the names of stations at me their respective lines of railway, to which replies have invariably been made that the Board has no power to make the orders applied for; that the railway contains themselves are the proper, in fact the only, parties to afford relief in such the states, as has happened in some instances, a change in the name of a post office is desired, when, of course, the application would be to the Post Office authorities at Ottawa.

It is deemed advisable that the information be set out in the form of a circular for insertion in the printed Judgments, Orders, Regulations, and Rulings of the Board, to be available for reference and as a ruling of the Board for the benefit of the residents of any community desiring in the future a change in the name of a station or post office.

By Order of the Board,

A. D. CARTWRIGHT.

Secretary.

CIRCULAR NO. 190

May 20, 1920.

REPORTING OF ACCIDENTS

File No. 45.

In connection with General Order No. 244, dated July 26, 1918, as amended by General Order No. 251, the Board desires to point out that section 285 of the Railway Act of 1919 defines the words "conductor or other employee," referred to in clause 2 of the said general order, as follows:—

"The conductor or other employee in charge of the train, place or structure in connection with which such accident occurred".

The Board further desires to point out that strict compliance with the said general order will be expected, and to say that, in every case where the railway, or its conductor or other employee, either wilfully or negligently fails to carry out the said requirements, the imposition of penalties, as provided for in section 412 of the Railway Act, will be enforced.

For the better information of the railways, and the conductor or other employee, section 412 is subjoined:—

"412. (1) Every railway company which wilfully or negligently omits to give immediate notice as by this Act required, with full particulars, to the Board of the occurrence, upon the railway belonging to such company, of any accident attended with serious personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken, or so damaged as to be impassable or unfit for immediate use, shall forfeit to His Majesty the sum of two hundred dollars for every day during which the omission to give such notice continues.

(2) Every conductor or other employee who makes a report to the company of the occurrence of any such accident and fails, wilfully or negligently, to notify the Board of the same by telegraph as soon as possible after such accident, is guilty of an offence and liable, on summary conviction, to a penalty

not exceeding one hundred dollars".

Railway companies are required to see that a copy of this circular is placed in the hands of all concerned.

By Order of the Board,

A. D. CARTWRIGHT,

Secretary.

# APPENDIX "G"

REPORT OF THE CHIEF ENGINEER OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1920

OTTAWA, January 26, 1921.

A. D. CARTWRIGHT, Esq.,

Secretary, Board of Railway Commissioners, Ottawa, Ont.

Drag Sig, - I herewith submit my annual report as to the work of the Engineering

Department of the Board during the year 1920.

There has been a noticeable increase in construction and maintenance work amount the different railways, evidenced by the increased number of plans filed for the approval of the Board. All construction plans pass through this department.

The Canadian Pacific Railway filed and obtained approval of the following route

maps:-

Rosemary northerly, Alberta, 25 miles.

Pashley, Alberta, to a point in township 16, range 19, west 3rd meridian, Saskatchewan, 109 miles.

Rosetown southeasterly, Saskatchewan, mileage 9.8 to 20.2 and mileage 45.7

to 59.8

Leader southeasterly, Alberta, Revised general location, mileage 29 to 50·1, and from 88 to 153·6.

Langdon north, Alberta, Revised general location, mileage 120 to 217.

Cutknife creek to Whitford lake, Saskatchewan, mileage 24 to 180.5. Asquith to Cloan branch, Saskatchewan, mileage 0 to 84.2.

Rosetown to Keppel. Mileage 0 to 37.2.

Amulet to Dunkirk, Saskatchewan. Mileage 0 to 60.2.

Interprovincial and James Bay Railway, Quebec, mileage 10 from Kipawa to Riviere des Quinze, mileage 70; also Ville Marie branch, 8 miles.

Moose Jaw southwesterly, Saskatchewan. Mileage 84.5 to 211.

### CANADIAN NATIONAL RAILWAYS

Turtleford southeasterly, 68.7 miles.

Prince Albert northwesterly, Saskatchewan, 27 miles.

Borden northerly, Saskatchewan, 51.6 miles.

Canadian Niagara Bridge, Ontario, from a point on the Michigan Central Railroad. It to miles northeast of the city of Welland west to the international boundary in the Niagara river, near Grand island.

If me have been approved showing the final location of a large number of branch. lines. These are for the most part in the western provinces, and are as follows:—

### CANADIAN PACIFIC RAILWAY

Archive-Wymark branch, 24.7 miles. Revision.

Langen northeasterly. Revision. Mileage 47:68 to 60:98 and location 60:98 to 80, Saskatchewan.

Engress to Milden, Saskatchewan. Revision. Mileage 222-13 to 253-44.

Swift Current northwesterly. Mileage 284 to 334.

Resetewn southeasterly, Saskatchewan. Revision. Mileage 18.61 to 67.10.

Lanigan northeasterly, Saskatchewan. Mileage 0 to 55.

Bassano easterly. Mileage 169 to 217.

Langdon north, Alberta. Mileage 39.03 to 86.84.

Moose Jaw southwesterly, Saskatchewan. Revision. Mileage 0 to 32.2 and location mileage 57.5 to 65.22.

Leader southwesterly. Revision. Mileage 0 to 25.7, and location mileage 28.82 to 50.07.

Interprovincial and James Bay Railway, Quebec. Mileage 10 from Kipawa to Riviere des Quinze. Mileage 70 and Ville Marie Branch 7.8 miles.

Cutknife to Whitford Lake Branch. Mileage 0 to 72.70, Saskatchewan.

Kelfield southeasterly Branch. Mileage 0 to 35.9.

### CANADIAN NATIONAL RAILWAY

Acadia Valley Branch, Saskatchewan, 11.88 miles.

Hanna-Medicine Hat Branch, Alberta. Revision. Mileage 75.35 to 77.47 and mileage 116.39 to 127.63.

New Second Track, Saskatoon-Calgary Line. Mileage 302.57 to 322.79.

In addition to the above, the Canadian Pacific Railway obtained approval of revision of location of its constructed line at St. John, N.B., in order to provide a site for a new cantilever bridge over the St. John river at the Reversible falls.

The Canadian National Railways are carrying out a number of track changes in Quebec and plans of revised location were approved, as follows:—

East Yamachiche. Mileage 94.82 to 96.43.

St. Paulin. Mileage 100.96 to 104.60.

Near St. Ursule. Mileage 110.15 to 114.89.

Near St. Boniface. Mileage 87.6 to 91.6.

## VANCOUVER HARBOUR COMMISSION

Plans for a track for the commission were approved showing a location along Burrard inlet, extending from the Government elevator to the Ballantyne wharf.

### HIGHWAY CROSSINGS

In connection with the above location plans, a large number of highway crossing and highway diversion plans were approved and a small number of crossings of existing railways. In all about 560 crossings were approved and 74 diversions of highways, distributed as follows:—

New Brunswick.—One highway. diversion.

Quebec.—Forty-one crossings and four diversions.

Ontario.—Fifty-nine crossings and two diversions.

Manitoba.—Forty-six crossings and eight diversions.

Saskatchewan.—Two hundred and seventy-two crossings and thirty-seven diversions.

Alberta.—One hundred and twenty-eight crossings and ten diversions.

British Columbia.—Twenty-four crossings and twelve diversions.

Of the crossings in Ontario and Quebec, a large proportion were approved in

connection with industrial spurs.

Authority was granted for the reconstruction of fourteen overhead highway bridges—two in Quebec, ten in Ontario and two in British Columbia. The reconstruction of eight subways was approved—two in Quebec, five in Ontario, and one in British Columbia.

### BRIDGES

The different railways throughout the country were authorized to construct, or countroot, eighty-four bridges—thirteen in Nova Scotia, one in New Brunswick, mander: in Qu. i.e., thirty-four in Ontario, three in Manitoba, four in Saskatchewan, and in Alberta, and six in British Columbia. Fourteen new bridges were inspected and locally augments and authority granted for operation. Authority was granted for the filling in of a number of trestles.

### INDUSTRIAL SPURS

Anthority was granted for the construction of two hundred and ten industrial outer, we ing in longer, from a few hundred feet to six miles; and for the removal of two spurs.

### RAILWAY CROSSINGS

locking plants:—

Camadian Pacific Railway, at Watson, Sas-

katchewan.

ship 29, range 24, west 4th meridian, Alberta.

Grand Trunk Prente Railway by Canadian Pacific Railway, near Torlea, Alberta.

Grand Trunk Railway by Grand River Railway, Galt, Ontario.

Crossings protected by half interlocking plants were authorized as follows:—

the author Public R. Hway by Montreal Tramways Company, Park Avenue, Montreal, Quebec.

A say Nest Southern Railway by Elk Valley Lumber Company, at Fernie, British

Columbia

I qual a Paville Railway by Sherbrooke Railway and Power Company, Sherbrooke, Quebec.

The following crossings were authorized by means of grade separations:-

Island. Overhead.

Canadian Pecclie Railway by Sherbrooke Railway and Power Company on Galt

street, Sherbrooke, Quebec. Undercrossing.

Sundlem National Railways by Canadian Pacific Railway, in section 16, township 26, range 16, west 3rd meridian. Overhead.

a print and Nanaimo Railway by Hillcrest Lumber Company, District of

Seymour, Vancouver island. Undercrossing.

To officing interlocking plants were inspected and authority granted for operation:—

Lake Krie and Northern Railway crossing Grand Trunk Railway and Toronto, Hamilton and Buffalo Railway.

Canadian National Railway crossing Pointe aux Trembles Railway, near Mont-

real.

Ningara, St. Catharines and Toronto Railway crossing Grand Trunk Railway

at Elm street, Port Colborne. Plant reconstructed.

Hamilton and Dundas Street Railway crossing Toronto, Hamilton and Buffalo Railway on Aberdeen avenue, Hamilton, Ont.

Canadian Pacific Railway crossing Canadian National Railway at Bonarlaw, Intario.

Michigan Central Railroad crossing Grand Trunk Railway at Welland, Ontario. Alterations in plant.

Fort William Electric Railway crossing Canadian National Railway on Victoria and Vickers street, Fort William, Ontario.

Sherbrooke Railway and Power Company crossing Canadian Pacific Railway on Alexander street, Sherbrooke, Quebec.

Three Rivers Traction Company crossing Loop Line, Canadian Pacific Railway, at Three Rivers, Quebec.

Canadian Pacific Railway crossing Grand Trunk Railway at Lennoxville, Quebec. Changes in plant on account of track rearrangement.

Canadian Pacific Railway crossing Grand Trunk Railway at Tilsonburg, Ontario.

Alterations to plant.

Blenheim, Ontario. Pere Marquette Railway, Alterations to plant.

Pointe aux Trembles crossing Canadian National Railway, near Lakefield, Quebec. Interlocking plant to protect swing span bridge over Richelieu river at Beloeil, Quebec, on Grand Trunk Railway.

The Canadian Pacific Railway was ordered to install an interlocking plant where

its line crosses the Grand Trunk Railway at Kingston.

Plans of proposed reconstruction of plant at Hamilton Junction to take care of track changes on the Canadian Pacific Railway have been approved.

### INTERCHANGE TRACKS

Plans of interchange tracks have been approved between the Canadian Pacific Railway and Grand Trunk Railway at Guelph; and between the Canadian National Railways and Grand Trunk Railway in the parish of St. Laurent, near Montreal.

Plans of connecting tracks were approved at the following points:— Pembroke, Ontario.—Canadian National and Grand Trunk Railway.

St. Prosper, Quebec.—Canadian National and National Transcontinental Railway.

St. Mark, Quebec.—Canadian National and National Transcontinental Railway.

Napanee, Ontario.—Canadian National and Grand Trunk Railway.

Washago, Ontario.—Canadian National and National Transcontinental Railway.

Brighton, Ontario.—Canadian National and Grand Trunk Railway.

### OPENING FOR TRAFFIC

Railway construction increased considerably during the year, and the following lines were inspected and authority granted for opening for traffic:—

Canadian National Railways.—McRorie Westerly Branch, Glidden to Eaton,

Saskatchewan. Mileage 105 to 115.

Canadian Northern Pacific Railway.—Victoria towards Alberni. Mileage 1.8 to 52.5.

Canadian National Railways.—Hanna-Medicine Hat Line, 47 miles.

Canadian National Railways.—Grade revision at crossing of Trent canal, township of North Orillia; 1.25 miles.

Kettle Valley Railway.—Copper Mountain Branch, Princeton, British Columbia,

south to Copper Mountain; 13.7 miles.

Canadian National Railways.—Luck Lake Branch, Dunblane to Luck Lake; 19.75 miles.

Canadian National Railways.—Muskoka Subdivision—Diversion of Line from mileage 139.7, lot 9, concession 3, to lote 123, concession A, township of Foley, Ontario, a distance of 6.799 feet.

Grand River Railway.—Grade revision from Preston to lot 9, concession 2, town-

ship of Waterloo, Ontario; 2.01 miles.

Canadian National Railways.—Cartierville Branch, near Montreal; 0.875 miles.
Canadian National Railways.—Oliver-St. Paul de Metis Branch. Mileage 98.5 to 120.85.

Canadian National Railways.—Humboldt-St. Brieux Line. Mileage 22 to 54-14.

Canadian Pacific Railway.—Russell northerly. Mileage 0 to 6.5.

### MISCELLANEOUS

In addition to the above, many other matters have been dealt with, some of them involving inspections, such as stream diversions, overhead foot bridges, pedestrian allways, overhead trainways for coal companies, drainage schemes, steam conduits, turn orossings, cableway crossings, water mains, cattle passes, wharves, wire crossings, fencing, ditches, etc.

I have the honour to be, sir,

Your obedient servant,

GEO. A. MOUNTAIN, Chief Engineer.

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SEVENTEENTH REPORT

OF THE

55

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING DECEMBER 31

1921

PRINTED BY ORDER OF PARLIAMENT



OTTAWA

F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1922

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# THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Hon. F. B. CARVELL, K.C., Chief Commissioner.

S. J. McLean, M.A., LI.B., Ph. D., Assistant Chief Commissioner.

Hon. W. B. NANTEL, K.C., LL.D., Deputy Chief Commissioner.

A. C. Boyce, K.C., Commissioner.

J. G. RUTHERFORD, C.M.G., Commissioner.

C. LAWRENCE, Commissioner.

A. D. CARTWRIGHT, Secretary.

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# REPORT

OF THE

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA

To the Governor in Council:

Pursuant to the provisions of section 31 of the Railway Act, 1919, the Board of Railway Commissioners for Canada has the honour to submit its Seventeenth Report for the year ending December 31, 1921.

Since the publication of the last report there have been no amendments made to

the Railway Act.

## PUBLIC SITTINGS OF THE BOARD

During the year covered by the period from January 1, 1921, to the December 31, 1921, the Board held 68 public sittings at which 421 applications were heard. The number of public sittings held in the various provinces were as follows:

Provinces	Number
Ontario	41
Quebec	5
Manitoba	4
baskatchewan	4
Alberta	4
British Columbia	7
Nova Scotia.	2
New Brunswick	1
Total	68

The applications include a great variety of matters falling within the jurisdiction of the Board under the Railway Act, varying from the complaint of a private individual to weightier matters of general public interest affecting the community as a whole.

### FORMAL AND INFORMAL MATTERS

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitute a considerable percentage of the total applications and complaints dealt with by it, that is to say, of a total of 3,455 applications and complaints received and dealt with by the Board 88 per cent were disposed of without the necessity of such formal hearing. These informal complaints, dealt with and settled without the necessity of hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the Board's officials, and cover a wide range of subjects, as, for example, a complaint of a more or less trivial nature to a matter of general public interest affecting the community as a whole, or involving the application of some general principle, regarding the railway rates.

## RAILWAY GRADE CROSSING FUND

In continue with the provisions of subsection (5) of section 262 of the Railway Act, 1919, provision was made that the sum of \$200,000 each year, for ten consecution are rounded as a part from the resonant final for the purpose of aiding in the providing by actual continuous works. Prote time safety, and conveniences for the public in respect of himself of the railway at rail level, in existence on the said 1st day of Anil, and sums to be placed to the credit of a special account to be known as all a Mallany tiends (as sing Fund," to be applied by the Board, subject to certain mit stions at out in the Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with each crossings, the Board issued, between the 1st day of April, 1909, and the 31st day of December, 1921, 471 orders, providing protection for 527

rossings as follows:-

Dar	Electric bells	262
L) y	Color,	115
	Subways	54
6.6	Overhead bridges	25
	Diversion of highways	35
6.6	Closing of streets	- 10
11	Removal of view obstructions	- 8
60	Shelter	1
6.6	Towers	3
	Wie Aubert in the control of the con	8
6.6	Bell and wig-wag	26
ee	Diversion of highway and subway	1
1.5	Diversion highway and removal view obstruction	1
6.6	Bell and removal view obstruction	. 1

It will be seen by comparing the total number of crossings protected with the istromic annual report of the board, that the increase for the twelve months ending threshler 31, 1921, in the number of crossings protected, number 30, made up as follows:—

		_
By	Gates	2
	Subways	2
5-6	Bridges	1
8.4	Diversion highways	3
	Closing of streets	0
	Removal view obstructions	3
	Wig-wag	3
	Bell and wig-wag	20
	Diversion highway and subway	1

There exists and 30 protections consequent on account of double bells and wigness at 4 crossings; double bell and wigness and 2 diversions closing 3 crossings.

It will be noted that under the new consolidated Railway Act provision is made it the total amount of measy to be apportioned and directed and ordered by the Board It he provision the annual appropriation, shall not in the case of any one crossing exceed twenty-five per cent of the cost of the actual construction work in it willing as homotophism, and shall not in any such cases exceed the sum of \$15,000, and have a small in any one year be applied to more than six crossings in any one relations in any one year to any one crossing.

sold at an RW of section 262 of the consolidated Railway Act provides that in the sold fund, the Board may apportion, direct and and a payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such province in respect of its contribution.

### GENERAL ORDERS

The following is a brief summary of some of the matters dealt with under the Board's General Orders:

Direction in the matter of the rate of exchange in connection with shipments of freight between points in Canada and points in the United States, that the railway companies subject to the Board's jurisdiction be permitted to publish and file tariffs effective January 22nd, 1921, showing inter alia the exchange surcharge on international shipments other than coal and coke, to be added to the total through charges including advanced charges payable to United States carriers when payable and collected in Canada, as set out in the order, and further directing that the companies make monthly returns to the Board showing the amount of surcharges collected.

Direction in the matter of the application of the Express Traffic Association of Canada, on behalf of the express companies subject to the Board's jurisdiction, for an increase of 40 per cent in the tolls at present in effect, that the changes in the tariffs of the express companies subject to the jurisdiction of the Board, as set forth in the judgment of the Chief Commissioner, dated February 2, 1921, which was made part

of the Board's order, be authorized.

Direction authorizing the use of the Hart type of wooden packing for frogs, wing rails, guard rails, and switches on railways subject to the Board's jurisdiction.

Direction that the railway companies subject to the Board's jurisdiction adopt and put into force, not later than the 1st day of June, 1921, certain regulations regarding the inspection of railway steam boilers and other locomotive boilers, as set forth in detail in the Board's General Order No. 330.

Direction in the matter of exchange on passenger charges payable in respect to international traffic between Canada and the United States, providing a surcharge based on the full rate of exchange arrived at in accordance with the provisions of the Board's order may be added to the total through fares and charges as set out in section 6 of the order, and be collected in Canada on all passenger and baggage car traffic to United States destinations from points in Canada via the routes set out in the order, but subject to certain exemptions as therein provided.

Direction providing for the amendment of livestock valuations in the classification of household goods and settlers' effects as set out on page 100 of the Canadian Freight Classification No. 16, so as to agree with the provisions of section 1 of the Live Stock Bill of Lading, Schedule "A," approved by the Board's General Order

No. 298.

Directions prescribing the form, size and style of the tariffs of telephone tolls to be charged by telephone companies and amending certain of the Board's orders to provide for the approval of the system of publication of long distance tolls, known as

the "Standard Toll Rate Quoting System."

Direction providing that the Board's General Order No. 236 prescribing certain regulations for the protection of railway employees be amended by adding to paragraph 2 thereof a clause providing that in the case of the leading engine giving up the train short of the destination of the train, test of the brakes must be made to see that the same are operative from the engineer's valve to the engine remaining with

Direction that paragraphs 6 and 9 of rule 99 of the Board's General Order No. 42 approving of a Uniform Code of Rules for Canadian Railways, be struck out and certain clauses, as set out in the order, substituted therefor making for better protection of trains.

Direction in connection with the question of charges for fixing car doors and loading charges in cases where box cars are supplied by a railway company in lieu of stock cars ordered by the shipper, by providing that the doors of the cars shall be fixed to the satisfaction of the shipper at the expense of the railway company having the line haul, and that where box cars are supplied by a railway company to

livestock shippers in lieu of stock cars the loading charge shall be based on the number of cars which would have been loaded had stock cars been supplied by the

Direction that all railway companies subject to the Board's jurisdiction interested in the coal movement in the three Prairie Provinces be required to reduce the rates on coal from min's in the provinces of Alberta and Saskatchewan to points in the provinces of Alberta, Saskatchewan, and Manitoba by 10 per cent, including coal actually billed out up to and including the 31st day of August, 1921.

Direction that the trucks of all railway companies subject to the jurisdiction of the Board, laid after the 1st day of January, 1922, be placed at certain minimum distances as therein set forth, and that any such tracks now laid which are rearranged after January 1, 1922, be placed in accordance with the minimum clearances pro-

vided in the order.

Direction amending section 1832 (dealing with the transportation of white or yellow phospherus) of the Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, as authorized by the Board's General Order

No. 204, dated August 11, 1917, be amended as therein set forth.

Direction that rule 9 of the Canadian Car Demurrage Rules as prescribed by the Board's General Order No. 201, dated August 1, 1917, be amended by striking out all the words after the word "released" and substituting provisions to the effect that the charge for the first day or fraction thereof of delay shall be \$1; for the second day, \$1; and for the third and each succeeding day or fraction thereof, \$5.

Direction of the Board that there should be a general reduction in the tolls which were increased under its General Order No. 308, dated September 9, 1920, by providing that the railway companies under the Board's jurisdiction file tariffs effective December 1, 1921, providing for reductions in domestic freight rates within Canada, as set out in the order.

### GENERAL DECISIONS AND RULINGS OF THE BOARD

Sumbitted herewith, epitomised, are some of the more important matters dealt with by the Board at its public sittings for the year ending December 31, 1921. The principal judgments of the Board will be found under appendix "A" to this report.

### APPLICATION OF BELL TELEPHONE COMPANY FOR INCREASE IN TELEPHONE TOLLS

By its General Order No. 264, dated May 13, 1919, the Board, as an emergency measure, to meet the advances in operating costs, authorized temporary increases in the telephone tolls of the company, retaining control of the case so that the revision of the emergency tools might be considered later. The increased tolls for long distance service became effective under said Order No. 264, May 13, 1919; the increase for exchange service on July 1, 1919.

In support of the present application, the company alleged that the increases allowed uniter the said General Order No. 264 amount in fact only to 10 per cent instead of 20 per cont as applied for; that the cost of labour and materials had contimued to advance rapidly since the issue of Order No. 261; and that as a result the increased rates allowed under that order were insufficient to meet the company's requirements.

The facts are fully set out in the reasons for judgment of Assistant Chief Comtalssioner McLenn, dated April 1, 1921, concurred in by Deputy Chief Commissioner Name' and Commissioner Boyce, Vol. 11, No. 2, Board's Judgments, at p. 35.

Summure of Judgment. - In disposing of this later application, the increase of material and tage costs, the company's various assets and resources, and its deal-

ings with reserves, depreciation, and replacements were also taken into consideration. It was found, upon the evidence submitted, that there was, on the basis of the projected year from May, 1920, to May, 1921, a deficit in the necessary revenue of some \$2,100,000. Against this, the increased long distance charges were computed to give \$969,033 and the service connection charge, \$181,000; in round numbers, \$1,150,000, which left approximately \$1,000,000 to be obtained from the exchange service.

Treating the matter still as a temporary measure to meet an existing emergency situation, an increase of 10 per cent in the exchange service was allowed. (Owing to an error in computation as to the earnings of the company, it developed that an increase of 12 per cent in such rates was necessary to provide the required revenue. The amount therefore increased to 12 per cent by a later judgment and order.) The Board, as previously, to retain the conduct of the case. The company to continue filing monthly reports as at present, and such special further rates, if any, as from time to time may be called for by the Board.

The relationship of the Northern Electric Company with the Bell Company considered. The view expressed that, while the Board was given no supervisory power in regard to intercorporate relations, if, in its dealings with the Northern Electric, the prices to the Bell were enhanced, that would be a legitimate matter for consideration in the present application. It was not shown that the prices charged to the Bell by the Northern Electric were unreasonable. The installation of the measured rate service, referred to, not passed upon.

A monthly instead of a quarterly basis of payment allowed.

The discrimination between the Montreal and Toronto rates, complained against by the Montreal interests, dealt with, and, in consonance with the Board's uniform practice, namely, that the one discriminated against should have the advantage of being put on the lower basis, Montreal was given the Toronto rate.

The extension of what is known as the party-line system, with its advantages,

discussed.

MUNICIPALITIES OF DUNDAS, HAMILTON, ROCKWOOD, ETOBICOKE, WAINFLEET, AND OTHERS
AGAINST THE BELL TELEPHONE COMPANY OF CANADA

The rearranging of district rates was involved in the above applications. In the localities in question, two or more exchanges had inter-telephonic communication on a common rate. Ordinarily, in the case of a city or town, the area in which the telephone rate of the exchange is applicable is defined either by the municipal boundaries or by a certain defined mileage distance from the exchange.

The facts are fully set out in the judgment of Asst. Chief Commissioner McLean, dated April 26, 1921, concurred in by Chief Commissioner Carvell and Commissioner

Boyce, Board's Judgments, Vol. 11, No. 4, p. 83.

Summary of judgment.—The Dundas complaint was against the proposed increase in rate between Dundas and Hamilton. The Hamilton business rate, at the time of the application, was \$49.50, as compared with the Dundas rate of \$27.50. The comparative residence rates were \$33 and \$22. There were 489 subscribers in Dundas as against 11,840 in Hamilton. Subscribers in Hamilton were given free connection with subscribers in Dundas. The Dundas subscriber had the option of paying the Dundas rate and the toll rate for messages between Dundas and Hamilton, or the Hamilton rate, which gave him free access to the telephones of both places.

The telephone company's proposal was that the exchanges should be separated, each doing business on its own exchange, the interchange business to be taken care of by means of long distance toll rates on a 10-cent basis. At the close of the hearing, the company offered to establish a two-number service between Hamilton and Dundas,

at a charge of 5 cents.

The rearrangement proposed by the company was opposed on the ground that the arrangement between the two places was of very long duration, and that it would affect an increase in the revenues of the telephone company. For the company, it was urged that the bulk of the Hamilton subscribers did not want to connect with the talk of the Dundas subscribers, and the bulk of the Dundas subscribers were in the same position; that if the Hamilton rate were applied generally, the Dundas subscribers generally, would be called upon to pay a larger toll for the benefit of a small percentage of subscribers in both areas.

In the township of Etobicoke, there existed free interchange of service between Weston, Islington, and New Toronto. The company's proposal was that the free service be continued between New Toronto and Islington, but a toll charge be made for all calls from these exchanges to Weston and from Weston to these exchanges. The objection was that the result would be to increase the cost of the service and all to the revenues of the company. It was objected, further, that the proposed continuement was in violation of the understanding upon which the Bell Company was given permission to erect its poles in the municipality; that it was upon the roughly of the existing service that the township refrained from establishing an independent municipal service of its own.

In the case of the township of Wainfleet, there was at the time of the application district service for the exchanges at Welland, Ridgeville, Smithville, Wellandport, and Marshville. The company's proposal was to combine Ridgeville and Welland in one district, and leave the other three in another district.

The composition on the part of those opposing the application was that the subcribers had taken their telephones on the assumption that there was to be a free convice between the different points. Each of the points had a local exchange. The contention was that there was such a community of interest that there was no justification for the subdivision proposed.

Rockwood had direct connection with Guelph. The service between these two points had been in existence for some ten or twelve years. Here, too, it was claimed that the Rockwood subscribers were obtained only upon the understanding that they would have free service with Guelph.

The elling of Grimsby's application was concerned with a situation in the Vineland-Grimsby district. There was, at the time of the hearing, a free service between Beamsville, Vineland, Winona, and Grimsby. Under the new tariff, free vice was provided for between Beamsville and Vineland and between Grimsby and Winona, with a 16-cent charge per message from Vineland to Grimsby and Winona and from Beamsville to Winona and Grimsby.

The company's contention was that the free service was of value to a company's small percentage of subscribers. Here, as in the other cases, those opposing the change laid stress on community of interest.

Lemma rulings of the Board and their application to the situation in the cases have small detail, referred to and discussed. These rulings, shortly stated, were in about that the Board's control over telephone companies was a limited one; that it is a rate jurisdiction rather than a facility or service jurisdiction; that certain elements of the Railway Act, specifically mentioned, only made applicable; that it was influent as touching to show it was not intended to give the Board jurisdiction to be Latth the facilities telephone companies should be required to furnish that the color of the Arc, commonly known as the facility clause, was expressly excepted.

Hold, that the district rearrangements were within the scope of the company's that is and that the Board was without jurisdiction to interfere, except where a problem of discrimination was not raised, in consequently the suspending orders which had been issued pending the hearing of the applications should be rescinding. Ordered accordingly.

APPLICATION OF THE DOMINION SUGAR COMPANY, WALLACEBURG, FOR A REDUCTION IN RATES ON SUGAR BEETS, IN CARLOADS, TO WALLACEBURG

The facts are fully set out in the reasons for judgment of Commissioner Boyce, October 25, 1921, concurred in by Chief Commissioner Carvell, Board's Judgments. Vol. 11, No. 16, p. 289.

Summary of Judgment.—Prior to the year 1913, comparatively low rates were in force with a view to stimulating the sugar beet industry in the section of Ontario in question, with the object of increasing the production of sugar beets and, ultimately, the output of sugar.

In 1913, a general mileage scale for the sugar beet commodity was adopted by the railways in this territory, but owing to the attitude of the railways, specific rates were continued as to various points. Where there was no specific rate, the

mileage scale of 1913 was applied.

On July 9, 1920, the Railway Association of Canada applied for a general increase in freight rates. An increase of 40 per cent (later reduced to 35 per cent), operative in eastern territory, to become effective September 13, 1920, was allowed. The railways concerned in this application participated in the general increase.

After the application for the general increase referred to had been launched, the railways concerned here published tariffs on sugar beets on a mileage scale. Filing dates were all subsequent to July 9, 1920, so that the tariffs complained of were filed while the application for a general increase in rates was under considera-

tion by the Board.

The result of the abandonment by the railways of the existing schedule of rates and the adoption of the mileage scale was a very considerable increase in rates at points where the specific rates had theretofore existed. These increases became effective almost contemporaneously with the general increase allowed by the Board. This meant that the railways concerned, by the changes in their tariffs. obtained substantial increases on this commodity over and above the general increase awarded by the Board. On the general rate increase, the question of these tariffs was not raised or referred to. Had the Board been seized of the fact that at the time the general increase was under consideration, these increases had been made, by the tariffs referred to, in the rates on sugar beets, that fact would have been taken into account in connection with the increase to be allowed on the commodity in question.

A comparison covering the years 1916 to 1920, both inclusive, and showing the increase in the volume of the sugar beet business, given, as well as a statement indicating the value of the beet crop and the average freight paid thereon for the

years 1917 to 1920.

View expressed that a 35 per cent increase over and above the rates existing before the mileage scale increase was made in 1920, would be fair to the railways, and as much as the traffic should be justly called upon to bear. No objection was taken to mileage rates, provided they were brought down to a 35 per cent increase, as contemplated by the Board in the general rate application.

Held, therefore, that the tariffs in question should be changed and reduced to a scale which would give a schedule of rates not exceeding a 35 per cent increase.

The direction was that order should go requiring the railways involved to make effective November 1, 1921, the new schedule of rates which would give effect to the decision of the Board.

APPLICATION OF THE EXPRESS TRAFFIC ASSOCIATION OF CANADA FOR INCREASE IN TOLLS

The application was made on behalf of the American, the Canadian, the British American, the Central Canada, and the Dominion Express Companies. It

was alreed that the companies were operating at a loss, and that a flat increase in all existing express freight rates of 40 per cent was required to take care of the actual deficit, pay a small amount on the money actually invested, and leave something for reserve.

The application was heard at different points in the Dominion extending from coast to coast. The facts are set out fully in the judgment of Chief Commissioner Carvell, he cuary 2, 1921, concurred in by Deputy Chief Commissioner Nantel, Board's Judgments, Vol. 10, No. 23, p. 504.

Summary of Judgment.—On September 1, 1919, express companies received a specific increase in their rates, amounting, they claim, to 22 per cent. In 1920, treight rates were increased 40 per cent east of Fort William and 35 per cent west thereof. The Dominion Express Company pays the Canadian Pacific Railway on the basis of one and one half times the first-class freight rate for its goods of that class carried by the railway. This meant an increased amount the Dominion Express Company would have to pay the Canadian Pacific Railway. The Canadian Paperss Company pays the Grand Trunk Railway and other railways over which it operates 50 per cent of the gross carnings. The increased freight rate, therefore, in ne way affected the balance sheet of that company. The Grand Trunk, however, was materially affected, as that company received no increase on the traffic which it carried for the express company.

Exhibits showing last year's business of the Dominion and the Canadian Express Company were filed, and are set out in the judgment. These showed deficits amounting, in the case of the Dominion Express Company, for the year 1920 of \$1,609.414, and the Canadian Express Company, for the year ending December 31, 1921, of \$177,249.

Exception was taken to the basis upon which the Dominion Express Company paid the Canadian Pacific Railway for carrying its traffic. The view was expressed that whatever the basis, it should be the same for all express companies doing business in Canada.

Claim was also made that any increases allowed should not be general, but should be applied to goods moving under the first-class and higher rates.

The question of cartage differential at non-cartage points considered. It was found that the results anticipated from the reduction provided for in the 1919 express rate judgment had not been produced. The cartage allowance under the former judgment therefore eliminated, and the conditions existing prior to September, 1919, restored.

Just and reasonable rates must be allowed by the Board. If, therefore, the sum of \$40,000 taken away from one company by the elimination of its cartage differential, the amount must be made up from the remainder of the traffic, and that it was fairer and more in the interests of the business as a whole that all users of express companies should pay the same rate, so that the Board could reduce the percentage of increases required to provide the necessary funds to enable express companies to carry on.

On account of the service afforded, express rates should be considerably higher than freight rates. Just what the proportion should be, not determined, but the view expressed it should be based upon a multiple of the standard first-class freight rate. Discrepancies in handling of certain commodities, fruit, for example, shown to exist. Express companies should so arrange their tariffs that all sections of the Dammie n he treated as nearly alike as it is possible to do, considering the character of the business and the distance travelled. All alcoholic liquors advanced from second-class to first-class rates.

A flat increase of 30 per cent allowed.

MARCONI WIRELESS TELEPHONE COMPANY v. THE WESTERN UNION AND THE GREAT NORTH WESTERN TELEGRAPH COMPANIES

The complaint was against increased rates proposed to be charged by the telegraph companies, and the refusal of the Western Union Company to accept all traffic at its Canadian offices routed for transmission to the United Kingdom via Marconi.

Objection was taken by the respondent companies that the Board was without

jurisdiction to entertain the application.

The facts are set out at length in the judgment of Assistant Chief Commissioner McLean, December 28, 1920, concurred in by Chief Commissioner Carvell and Commissioner Rutherford, Board's Judgments, Vol. 10, No. 21, at p. 449.

Judgment Summarized.—The regulative power of the Board over railways is wider than that it may exercise over other types of utilities. Various sections of the Railway Act are specifically excepted in the case of the Board's jurisdiction as to telegraphs and telephones. The toll and tariff clauses, and including therefore the provisions for joint tariffs covering continuous routes, not excepted, and consequently applicable to telegraph and telephone companies within the legislative authority of the Parliament of Canada.

"Telegraph", under the interpretation clause of the Railway Act, is defined to include wireless telegraph. A distinction is drawn between the powers of the Board over joint arrangements between telephone systems, Dominion and provincial, and

telegraph companies.

Transoceanic telegraph systems have no status under the Railway Act which

enables them to invoke the joint tariff sections of the Act.

Section 376, under which the Board might entertain an application by the Wireless Company, does not, by express provision, come into force until a similar clause has been made by the proper authority of the United Kingdom, and upon pro-clamation by the Governor in Council. The section has not yet become operative.

Held, that until it does, transoceanic wireless telegraph systems are in the same position as cable companies, and cannot invoke the joint tariff sections of the Act.

COMPLAINT OF TORONTO BOARD OF TRADE AGAINST CARTAGE TARIFFS OF RAILWAY COMPANIES, EFFECTIVE SEPTEMBER 1, 1919

The facts are set out in the reasons for judgment of Assistant Chief Commissioner McLean, December 27, 1920, concurred in by Chief Commissioner Carvell.

Summary of Judgment.-The Board has held that the charge for cartage was one falling within the definition of "toll" as defined in the interpretation clause of the Railway Act, and that it was not a railway service or facility within the meaning of the Act as it existed prior to the revision in 1919.

Subclause (e), subsection 1, of section 312 of the 1919 Act is new, and reads

as follows:-

"(e) furnish such other service incidental to transportation as is customary or usual in connection with the business of a railway company, as may be ordered by the Board".

The question arose whether the effect of this amendment was to include cartage as a service incidental to transportation usual in connection with the business of a railway company, so as to give the Board jurisdiction to order it as a facility to be continued. The reasons for the amendment and what it was designed to accomplish were very fully discussed in the judgment. The conclusion arrived at was that the clause was intended to apply to such privileges as milling in transit, stop-over for completion of loads, stop-over to dress lumber, and other arrangements of the same kind, that it was not intended to cover, and did not apply to, the cartage service, and the Board so held.

APPLICATION OF THE BRITISH COLUMBIA TELEPHONE CO. UNDER SECTION 375 OF THE RAILWAY ACT, 1919, FOR AN INCREASE IN FYCHANGE, RENTALS, AND CHARGES FOR SERVICE.

The facts are fully set out in the reasons for judgment of Chief Commissioner C. rvell, dated July 23, 1921, concurred in by Commissioner Boyce. (Board's Judgments, Vol. 11, No. 10, p. 216).

San more of Judgment.—The application involved an increase in rates amounting to about 15 per cent, except in the Kootenay District, as the rates in that district had been semewhat higher than in other exchanges, and also because it had no connection with the main system at the Coast and on Vancouver island. The only increase asked for the Kootenay District was for connection charges and placing new telephones and apparatus.

Very complete statements showing the value of plant in 1918 and additions since that date down to November 31, 1920. The value in 1918 was \$6,868,208, and in 1920 the value had increased to \$9,178,963. The correctness of these valuations not

attacked. Admitted also that the service rendered was excellent.

Considerable argument took place over the outstanding stock of the company, periodly as to the money actually paid for the ordinary shares. History of the formation of the company, its financial development, showing the stock originally issued in 1905 and later increased issue in 1911, and the application and disposition of the monies set out at length and considered.

In 1916 a federal charter was obtained, and regardless, therefore, of the method of book keeping or the amount of reserve put back into the plant up to that time, the value of the plant was established by that Act, and from that date the rates have

been under the control of the Board.

A statement filed at the time of the application showed a deficit of \$397,469.83. Additional expital required for new equipment, etc., estimated at three million dollars. From the evidence submitted, 6.04 per cent annually found a reasonable amount to put aside as a reserve for depreciation, 16 years being the period or "evole" within which the applicant company's plant would have to be replaced.

The rate allowed to be such as to provide for (1) operation, (2) maintenance, (3) depreciation, (4) interest, and (5) dividends, and in addition an amount to place

the company in a position to secure further capital for necessary extensions.

After a close and careful analysis of the company's condition, based upon its carnings and operating costs, established by the evidence, it was estimated that an increase of slightly over 9½ per cent on the class of business mentioned in the application would meet these requirements. Ten per cent therefore allowed. The company to make monthly statements, and if upon examination at the expiration of six months the increase was found in excess, it could and would be corrected.

IN THE MATTER OF EXCHANGE ON PASSENGER CHARGES PAYABLE IN RESPECT OF INTERNATIONAL TRAFFIC BETWEEN CANADA AND THE UNITED STATES

The oursiles of the exchange on passenger traffic was before the Board at the time of dealt with the surenarge on freight rates. Sufficient data to enable it to act that the time is the time, and in accordance with its suggestion, a country norm was filed on behalf of the Railway Association of Canada, setting forth the general conditions relating to international passenger travel and the effect on the railway companies by reason of the prevailing exchange situation.

A study of the passenger situation was made for the purpose of arriving at a cole of surcharges, to enable the Canadian carriers to make their settlement with influd States connections in United States funds, and to prevent an undue advantage lading taken in the exchange situation by persons purchasing in Canada tickets for

use either wholly, or practically wholly, in the United States.

That there was a marked difference in the conditions applying to the carriage of freight as compared with passenger traffic, as there was no practical means of ensuring that a passenger ticket would be used only from the point at which it was purchased, or to destination point shown on it. Accordingly it was considered necessary to apply a surcharge equivalent to the full rate of exchange on tickets from Canadian border points to United States points; to make the surcharge equivalent to 75 per cent of the prevailing rate of exchange at points which would gain an undue advantage from a lower rate by reason of their proximity to the border; and to make the general basis of surcharge on all other tickets from Canadian to United States points equivalent to 50 per cent of the prevailing rate of exchange.

To carry out its suggestions, the association outlined a draft form of order. These suggestions considered at conferences between the Board and the railway companies' representatives. The Board was not satisfied that the suggested surcharges were required to place the companies in a position where they could accept prepayment through to destination for international traffic in Canadian funds, and yet be able to pay the American roads their share in American funds without loss.

Chief Commissioner Carvell, in his reasons for judgment dated March 5, 1921 (Board's Judgments, Vol. 10, No. 25, p. 555), which were concurred in by Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel, and Commissioner Rutherford, points out that any passenger has the right of purchasing a ticket to the international boundary in Canadian funds, and purchasing the remainder to destination in American funds, and vice versa. The difficulty is a great proportion of the trains cross the boundary during the night, and tickets would be purchased at the boundary, therefore, at considerable inconvenience to passengers, if indeed there was sufficient time to do so.

The continuance of the joint through ticket was, in his opinion, a great advantage to the travelling public, and should be maintained if at all possible; that when an abnormal condition, such as the present one, arose, it was the duty of the Board, if possible, to devise means, even if there was no precedent, by which the best possible conditions might be maintained. In his view no practical surcharge scheme could be worked out excepting to a great extent on the principle of averages as applied in the case of freight rates on international traffic.

Further conferences were therefore had, and in view of the attitude of the Board a new proposal submitted by the railway companies dividing the country into three zones, not including the stations immediately on the border as a zone for this purpose, the rate of surcharge from the different zones being based to a considerable extent upon the distance of the main centres from the international boundary.

Dealing with this memorandum setting forth the new proposal, the Chief Commissioner concludes his judgment as follows:-

"It will thus be seen that the general principles of the application are as follows :--

"From all Canadian points immediately upon the boundary line, such as Rock Island, Cornwall, Prescott, Windsor, Sarnia, Emerson, Kingsgate, etc., to points in the United States, the surcharge will be 100 per cent of the rate of exchange, or the full American rate, the reason being that practically the whole journey is to be performed in the United States and should be paid for in American currency.

"2. At the next group, such as Montreal, Sherbrooke, Hamilton, Chatham, and Vancouver, which are a short distance away from the border, the surcharge will be 75 per cent of the rate of exchange.

"3. At a group still further away from the border, such as St. John, N.B., Ottawa, Toronto, London, Winnipeg, and Weyburn, the surcharge will be 50 per cent of the rate of exchange.

"4. From all other points the surcharge will be 25 per cent of the rate of exchange.

"5. And, lastly, upon all tickets sold from any Canadian point to stations in the United States immediately at, or in some instances near, the border no surcharge whatever is provided, because the traffic is practically all upon the Canadian

As we considered this a matter of considerable importance to a certain percentage of the Canadian public inasmuch as, if this scheme were adopted, an increase upon the fares payable would come into effect, we thought it wise to have a public hearing which, accordingly, was held at Ottawa on Tuesday, the 2nd day of March learing which, accordingly, was held at Ottawa on Tuesday, the 2nd day of March instant. All the important Boards of Trade west of and including Fort William and Port Arthur were notified by wire of the proposed hearing, as was also the Board of Trade of Halifax: others were notified by letter. At the hearing the Boards of Trade of Toronto and Montreal alone were represented in the person of Mr. Tilston, although we received a communication from the Board of Trade of Halifax stating that they considered the proposal reasonable, but requested that we should use our influence to have a premium allowed on tickets purchased in the United States for Canadian points. Mr. Tilston agreed with the proposal, provided that the surcharge does not produce more money than is necessary to recoup the Canadian roads for what they will have to pay the American connections, taking in consideration the return fares.

The railway companies presented their side of the case, and furnished considerable data as to the practical results of working out the new scheme on the basis of a rate of exchange of 15 per cent. They gave a table showing the result of tickets parchased from Halifax, St. John, Montreal, Toronto, Hamilton, Niagara Falls, Windsor, Winnipeg, Moosejaw, Calgary, and Vancouver to practically all important centres in the United States, and it showed a loss varying from a few cents to \$17, as in the case of a ticket from Toronto to San Francisco, in all cases excepting those of tickets from Niagara Falls and Windsor to American points, where the gain would be from 1 cent to 20 cents. This, of course, being because in this latter case the whole ticket must be purchased in American funds or its equivalent, and, as the Canadian road receives a very small amount for its share of the transaction, it necessarily would have a few cents profit upon it, but it is so small that it need not enter at all into the calculations.

They also filed statements showing the gross collections on international tickets with the proportion accruing to the United States lines, as follows:—

### TICKET SALES TO UNITED STATES POINTS FOR YEAR 1919

Name of Road	Gross collections	To United States Lines	Per- centage
G.T.R. C.P.R. C.N.R. T.H. & B C.V.R. D.A.R. Q.C.R.	\$2,383,463	\$1,635,186	68·61
	5,546,000	3,875,000	69·87
	1,355,210	708,404	52·00
	293,534	306,913	70·5
	15,302	11,959	78·00
	164,000	104,960	64,00
	100,000	60,000	60·00

They were also able to show the Board a statement based upon tickets sold in January, April, August, and October, 1920, as follows:—

STATEMENT OF PASSENGER EARNINGS COVERING TICKETS SOLD IN CANADA TO UNITED STATES POINTS, BASED ON JANUARY, APRIL, AUGUST, AND OCTOBER, 1920

Name of Road	Total Pass- enger Sales	Proportion accruing to Canadian Lines	Per- cent- age	Proportion accruing to U.S. Lines	Per- cent- age
G.T.R. C. Nor. Ry. C.G.Rys. C.V.R.R. M.C.R.R. T.H. & B. Ry. C.P.R. Ruthland R.R. Nap. Jet. Ry. Mc. Cent. R.R. Que. Cent. R.R.	300,734 21,925 218,520 56,431 2,631,960 25,113 259,290	\$277,588 63,514 151,700 4,343 55,540 10,071 1,041,877 3,387 36,579 949 15,763 17,343	29·0 55·0. 51·0 20·0 25·4 17·9 39·6 13,0 14·0 35·5 33·5	\$683,492 53,391 149,034 177,582 162,980 46,360 1,590,083 21,725 222,711 1,728 31,360 39,649	$\begin{array}{c} 71 \cdot 0 \\ 45 \cdot 0 \\ 49 \cdot 0 \\ 80 \cdot 0 \\ 74 \cdot 6 \\ 82 \cdot 1 \\ 60 \cdot 4 \\ 87 \cdot 0 \\ 86 \cdot 0 \\ 64 \cdot 5 \\ 66 \cdot 5 \\ 70 \cdot 0 \\ \end{array}$

The first statement shows that the average amount of this business accruing to the United States lines for the seven roads named therein is 67 per cent. The second statement shows a slightly different result, but averages up about the same. Both these statements show that the short roads near the border, such as the Toronto, Hamilton and Buffalo Railway and the Central Vermont, Rutland and New York Central Railways are hard hit by present conditions, perhaps the most outstanding case being the Toronto, Hamilton and Buffalo, which is a short road near the border and necessarily would only receive a small percentage from the proceeds of international business.

If the business from Canada to the United States as evidenced by these returns were the whole of the transaction, then it is very evident that the surcharge which they are asking would in no way place the railway companies in a position to carry on this business without a loss; but it must always be remembered that the passenger who purchases a ticket in the United States for Canada does so in American funds, and in the settlement between the different roads, the Canadian road receives its portion of this business in American funds.

It is very patent that, if on the outward business the American road receives on an average 67 per cent of the receipts, then assuming that the same number of persons travel from the United States to Canada or the reverse way, the Canadian roads would only receive 33 per cent of this portion of the business, thus leaving a difference of 34 per cent against the Canadian roads. We have, however, no knowledge to-day from actual experience or figures as to whether the surcharge herein proposed will exactly take care of this 34 per cent.

A concrete example of the working out of this scheme might be of assistance in understanding exactly what it means. Assuming that a passenger purchases a ticket in Canada to a point in the United States the charge for which is \$10, and accepting the average division above given, the Canadian road would receive \$3.30 and the American \$6.70. Assuming the rate of exchange to be 12 per cent, the Canadian road would have to expend 80 cents in order to get the American portion to the American road, thus leaving it \$2.50 as its portion of the transaction. Then assuming that the same passenger returns to Canada, purchasing a ticket in the United States in

American funds. On this the American road would pay the Canadian road \$3.30, which, when converted into Canadian at the same rate of exchange, would give 40 cents additional, or a total of \$3.70. The sum total of these two transactions would the Canadian road \$6.20 in Canadian funds, whereas it should have received \$6.00, and it accordingly has a loss of 40 cents. Under the scheme herein proposed, it the samadian road were allowed to collect on an average 34 per cent of the rate of a same it could amount to a surcharge of 4 per cent, and 4 per cent on the total amount of manage effected by the Canadian road, viz., \$10, would be 40 cents, which manages are the reinduces the Canadian road for the loss in the two transactions.

# ILLUSTRATION OF ABOVE FARE PURCHASED IN CANADA TO UNITED STATES POINTS

Fare \$10. Canadian portion \$3.30; American portion	\$6.70
12 per cent of American portion	0.80
Total amount paid United States Railway	\$7.50
c, 20_0 80-82 50 amount retained by Canadian Railway.	

## SAME FARE PURCHASED IN UNITED STATES FOR CANADIAN POINT

	\$7.50
Fare \$10 in American funds; Canadian portion, \$3.30; American	\$6.70
12 per cent on Canadian portion, exchange when forwarded in Canadian funds	0.40
Amount received by Canadian railway	\$3.70
\$2.50+\$3.70=\$6.20, amount received by Canadian railway both or 40 cents less than Canadian railway should receive.	ways,
34 per cent of rate of exchange as above = surcharge of 4 per cent. 4 per cent of \$10=\$0.40, or the exact loss as above.	

It has take passenger can move about as he pleases and can if he chooses in the future as well as in the past purchase his ticket to the border in Canadian funds. Also, if a now at any point in Western Canada wishes to visit Boston or New York, or even Chicago, he can always purchase a ticket to Winnipeg, Toronto, or Montreal, or even to Bullado, and like points on the International boundary, and check his baggage have to in Canadian funds, and he will have plenty of time between trains to repurhate from that point to destination, paying the surcharge only on that portion of the journey.

As the Canadian railways are losing heavily on the traffic under present conditions. I consider it the duty of this Board to make such provision as in its Italiament will place them in a position to carry on this business, receiving their fair consistion in Canadian funds, and placing them in a position to pay the American portion in American funds, and while perhaps the railway companies' proposal is not norfed, yet, in my opinion and from some personal knowledge of the conditions of traffic between the two countries, I think the scheme last proposed will about place the Canadian railways in the position which I have hereinbefore described as the to be desired, and therefore, I think that their proposal should be adopted, the cally recompanies to have the privilege of filing tariffs as therein stated effective 10th the aut, the telegraphic notification of the rate of exchange to be forwarded to and an it on the 14th and last days of the month, to be posted in a conspicuous place I overy passenger station in Canada of the roads over which this Board has juris-The railway companies should instruct their agents to point out to purplicates of tickets to United States points the right which they now and will hereoffer proves of purchasing a ticket to the border point in Canadian funds, if they so desire, and should also post in large letters in a conspicuous place in each passenger station a statement to that effect.

The railway companies should furnish this Board with monthly statements showing positively the total receipts for international passenger traffic from each zone, with the surcharge received thereon, the portion accruing to the Canadian lines and that accruing to the American lines, and should also show in the monthly statement the receipts from American roads for traffic from the United States to Canada, divided in the same manner, in order that the Board may satisfy itself as to whether or not any changes are necessary, and if the same be found necessary, then this Board should without delay so adjust the zones and surcharges, or both, as to bring about as nearly as possible the desired results as hereinbefore set forth.

## ASSISTANT CHIEF COMMISSIONER McLEAN:

In agreeing in the reasons for judgment of the Chief Commissioner I desire to

emphasize that what the Board is sanctioning is not an increase in rates.

Under their tariffs and division sheets Canadian railways are legally entitled on international passenger traffic to certain sums in Canadian money. These they have not been receiving. Owing to the adverse rate of exchange Canadian railways have in settling with the American connections, to settle in American funds. In order to so settle it has been necessary for the Canadian railways to absorb the exchange on the American portion of the rate. This has been due to the fact that the rate has been collected in Canada in Canadian funds. The result of this has been that the exchange, so absorbed, has had to be deducted from the division accruing under the tariff to the Canadian railway. That is to say, its division in Canadian funds, to which it is legally entitled, has been correspondingly reduced.

What is involved in the application before the Board is an attempt—necessarily dealt with on an average basis-to ensure that the Canadian railway will receive the amount to which it is legally entitled. The adverse rate of exchange is a factor of cost which is not provided for in the rate. While it has hitherto been absorbed by the Canadian railways, the continuance of this condition does not appear either fair or reasonable. For if the through rate, and the division thereof, is reasonable, then the Canadian railway should receive its division without any deduction therefrom of exchange. This and nothing more is involved in the disposition recommended.

# JUDGMENT OF COMMISSIONER BOYCE (dissenting), March 9, 1921:

I am unable to reconcile the proposals of the railways with any jurisdiction possessed by this Board. The conditions in respect of which relief is sought, onerous though it may be contended they may be to the Canadian railways, are not, in my opinion, within the power of this Board to ameliorate or remedy. Those conditions are economic conditions, operating in common, upon every branch of Canadian commerce, and in the view I take this Board has no more power to relieve the railways from the effect of the depreciated Canadian dollar in relation to the American dollar than to attempt to adjust the adverse balance of trade against Canada which causes such depreciation. To attempt to relieve railways, at the expense of the people, from the results of this adverse trade balance in its relation to the Canadian currency is, in my opinion (expressed with deference to contrary opinion), to usurp, in favour of the railways, as against Canadian passenger traffic upon the railways, a special authority which, from its nature, is not in conformity with any of the functions of this Board.

To quote the language of the Assistant Chief Commissioner of the Board, in a judgment dealing with the question of prepayment of freight (Judgments of Board, 1920, at p. 119), where the same question of monetary exchange was directly in issue-

"The Board is a statutory tribunal and its powers are tied down to the scope of the matters falling within the Railway Act."

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Mr. Flinted, counsel for the Railway Association, admits that what is proposed has nothing to do with the rate, or the carriage of the passenger, in the following language, at page 2875 of the record:—

The tariff of the rates will remain exactly as it is to-day. This is really a collateral charge, not a charge for the carriage of passengers, and we simply desire to have a chance to enable us to pay the loss to the American connections."

Further, at page 2873. Mr. Flintoft said, in presenting the railways' case to the Board:—

"It is unlawful to increase the joint rate."

The Assistant Chief Commissioner in agreeing with the judgment of the Chief Commissioner, in the present case, says in his opening sentence:—

"I desire to emphasize that what the Board is sanctioning is not an increase in rates."

Putting these quotations of the Assistant Chief Commissioner side by side with the statement of counsel for the railways at the hearing it is made quite clear that if what the Board is asked to sanction is not an increase in rates, there must be elsewis re in the Railway Act, than in sections limiting the scope of the Board's powers with respect to tolls and rates, some express authority to which the Board can "tie on" and which expressly confers upon us the power to make such an order as is now proposed, and which the majority of the Board has sanctioned, viz., an order that a "surcharge" based on the full rate of exchange (or 75 per cent, or 50 per cent, or 25 per cent thereof, according to specified localities or districts in Canada from whence the international traffic moves) "may be added to the total through fares and charges" (a) passage tickets; (b) sleeping car tickets; (c) parlour car tickets; (d) excess or other revenue baggage car traffic and special baggage cars; and (e) collections for transfer or special delivery of baggage in United States cities, "and collected in Canada, on all passenger and baggage car traffic to United States destinations, etc."

I can find no such authority in the Railway Act, and the judgments of the appioraty of the Board, with which I do not find myself in agreement, do not refer to any section or sections of the Act, or other authority, by which it is expressed, or from which it may be implied, that power is vested in the Board, without increasing the rate, to authorize the railways to collect more Canadian money in Canada, for the same railway service, from persons purchasing through international tickets, than is specified and authorized in the present tariffs of such tolls, which it is admitted, it would be illegal to increase. That is just what is involved. The tolls sanctioned by this Board to be collected by Canadian railways, under the powers contained in the Radway Act, are payable in Canadian currency. This Board has no power to order that these tolls be paid in foreign currency, or in the equivalent in Canadian money. Tender of Canadian currency, in Canada, would be a good discharge of talls lawfully chargeable by Canadian railways, whether for through or local traffic, so sanctioned, and is so accepted to-day. I confess to be unable to understand the paradoxial nature of the proposal. I fear that he who pays the additional Canadian money for that same service will be less appreciative of the logic suggested.

If there he no increase in tells or rates, why is more Canadian money required to satisfy it! Is there, in the Railway Act, any section from which this Board can assume authority to provide and direct that if a tariff requires payment of one Canadian dollar for a railway service the railways may collect \$1.10—without increasing the rate—the extra 10 cents being authorized and collected not, it is said, as an increase in the rate, but under the name or disguise of a "surcharge"? No such

authority, expressed or implied, is to be found in the Railway Act.

The reason for the contention that what is involved is "not an increase in rates" is not far to seek. The rates are international, and an increase in them of the precise nature and extent as that now decided upon under the guise of a "surcharge" would be beyond the jurisdiction of the Board. It is so admitted, in express and unequivocal terms, and is so decided in the following amongst other cases: C.N. Ry. v. G.T.R. and C.P.R., 10 C.R.C. 139; Elder-Dempster Steamships Co. v. G.T.R. and C.P.R., 10 C.R.C. 334; Davey v. Niagara, St. C. & T. Ry., 9 C.R.C. 493, 45 C.R.C. 277, 11 C.R.C. 109.

It would also have the effect, in particular cases, if not generally, of increasing the joint rate beyond the sum of the local rates, and the language of the present Assistant Chief Commissioner, in delivering the judgment of the Board in re Joint Freight and Passenger Rates, 10 C.R.C., at p. 349, is significant and of importance:—

"It is, in my opinion, sufficient to say that the charging of a joint rate in excess of the sum of the locals is *prima facie* an unreasonable and discriminatory practice, and that the onus of disproof should in individual complaints be on the railway or railways concerned."

No onus was assumed and no evidence given by any of the railways concerned under this head.

It is clear from the judgment above (p. 347) that the through passenger rates of at least one railway here concerned are constructed in a general way upon the sum of the locals. Therefore any "surcharge" (if it were a toll) would either (a) increase the sum of the locals, or (b) increase the foreign rate—that is, that the Canadian railways would under the proposed order be authorized to charge and collect ("or surcharge") more money in Canada, to satisfy and discharge those rates.

And again, at p. 344, of the same case, the Assistant Chief Commissioner says:-

"It is a fundamental proposition under the policy outlined by the Railway Act that when a rate, whether joint or whether limited to points situated on one line of railway alone, has come into force in conformity with the provisions of the Railway Act, it is the only legal rate in respect of the traffic mentioned and between the points mentioned. The policy is not limited to Canada alone. In 1906 the Interstate Commerce Commission, which has had to deal with the problem now before us, established the same position."

The present joint rates for international passenger traffic and services, conforming to the provisions of the Railway Act do constitute, respectively, "the only legal rate" in respect of that traffic and, in my opinion, cannot be increased (i.e., more money cannot be exacted to satisfy them in Canada) by a device of "surcharge" in avoidance and disregard of the fundamental principles attaching to them.

It is not difficult, therefore, to see why the proposals of the railways cannot be justified or supported as an application for a rate increase. It would be beyond the jurisdiction of the Board. To my mind the whole proposal is founded on a fiction of law. It ratifies, in my opinion, an evasion of the law, and involves a usurpation of authority repugnant to the letter and spirit of the law. It countenances an ingenious device or plan by which the Canadian railways are empowered under a disguise of "surcharge" to demand, collect, and receive more money for transportation and other railway services than is permitted by law. It countenances the doing indirectly, and by disguise, that which the law prohibits being done directly. It requires express statutory authority to justify it, and there is none.

The term "surcharge" was never explained. I do not know what in the circumstances to which it is here applied, it is capable of explanation. I can find no precedent for it in the records of this Board, except as regards freight rates, where it was introduced with the consent of the railways in the interest and for the benefit

of to public, to provide telief to the public from an intolerable burden placed upon It by the railways in refering to accept prepayment of freight from Canada to the United States and compelling the shipper to pay the whole freight rate (Canadian and forewar in American funds. That was an emergency measure, provided, perhaps unarraly, to much and reasely a condition of things with which this Board found itself wit out jurisdiction to interfere (see Judgment of Board, 1920, p. 111). It was I felt, a dangerous precedent, which only its motive and effect could justify. There is no sus on here for perpetuating or repeating it, or establishing it as a me silved. The amplication here is to impose an additional financial burden upon the committee traveller, and think, unjustly and contrary to law. Conversely, in the as a rationed, it was, with consent of those affected by it, provided as a relief and a complition of things involving hardship and injustice against which the Board found itse'l without power to give redress. It can only be excused, or defended, but not justified, in that way.

Sur have. 'is not a term of the Railway Act. This Board is given no power to "arrenary" rates and I agree with the Assistant Chief Commissioner's dictum that The Bord is a statutory tribunal and its powers are tied down to the scope of the mailers falling within the Railway Act." To "surcharge" rates, and not increase

them, is a grotesque and specious anomaly.

The contrary and literal meaning of the word "surcharge" is a "charge upon." And if it is a "olderge upon" a rate, how can it be suggested that the rate upon which thorn is an additional charge is not increased. Where is the jurisdiction to authorize a "charge upon" any rate—particularly a joint rate.

The term "surcharge" is interpreted-

(a) to peruniary charge in excess of the usual or just amount; an additional or excessive pecuniary charge." (Vide The Oxford Dictionary.)

A control or load above another (the authorized toll); excessive load or to me at a hard greater than can well be borne." (Vide The Century Dictionary.)

10) "To give too great a charge; to overload or overburden. A burden greater man the ordinary one, or greater than can well be borne; an excessive burden, load

or charge." (Vide Funk & Wagnall's Dictionary.)

The term itself is contradictory of a legal charge. I repeat that, in my opinion, there is no power in this Board to impose it, and no evidence or circumstance to justify . It violates in its meaning and effect, every canon and principle of rate making. To nutlen as it in this ease, in the name of law, would, in my opinion, set at nought, the sourh and heter of the Railway Act, and tend to weaken or destroy the judicial functions committed to the Board by that Act.

The question as to the effect on railway freight rates of economic conditions in mlatte, at demeciation of Canadian money in exchange for that of the United states was discussed by this Board in its judgment upon the application re prepaywent of freight. Judgments, etc., of the Board (1920), pp. 111 et seq. The Chief

· · · · · · · · · · in his judgment at page 118 said:-

It is the railway company's business to transport these goods to destinalten at the rates which have been provided by law for the service, and thereture, if from the exigencies of exchange any money is to be made or lost upon the transportation of these goods, so long as the shipper is not asked to pay a greater rate than that provided by law, this gain or loss belongs to the railway company and not the shipper."

And in the same case, at page 119, the Assistant Chief Commissioner says:—

"The fact that it is the exchange situation, which by its effect on international freight movements has created, and complicated, the existing state of thous is merely illustrative, and does not go to the root of the principle involved. The fact that the present state of facts may have resulted in adventi-

tious gain to one of the parties to the contract of carriage and adventitious loss to the other neither broaches nor modifies the principle. The discussion of the relative equities of the parties to the contract of carriage from the standpoint of participation in the gain on particular shipments, arising from the international exchange situation as affecting freight rates on International traffic, while illustrative of the effects of the state of facts concerned neither modifies nor broadens the principle. The principle is independent of the particular circumstances."

The remarks quoted are, I think, pertinent. The principle (not to be lost sight of) is that to be found in those sections of the Railway Act with respect to tolls and rates (admitted by counsel, as to these rates), which this Board cannot ignore and should not depart from, "the adventitious gain to one of the parties to the contract of carriage and adventitious loss to the other neither broadens nor modifies the principle." The adjustment of the monetary system between Canada and a foreign country is not one of the powers conferred upon the Board. To try to interfere with it would be to venture upon the experiment of meddling with national economics. I suggest that the Board has responsibilities in the administration of the Railway Act, heavy enough to engage its activities without venturing beyond the Act circumscribing its powers into the labyrinth of economic conditions, in the hopeless effort to adjust them equitably in the interests of all concerned.

Grotesque and unjust as these proposals are in themselves, they also involve discriminatory features, impossible to reconcile with the provisions of the Act which prohibit discriminatory treatment and require equality in rates. The Assistant

Chief Commissioner, in his judgment says:-

"What is involved in the application before the Board is an attemptnecessarily dealt with on an average basis-to ensure that the Canadian railway will receive the amount to which it is legally entitled."

The amount to which the Canadian railway is legally entitled is the amount shown in dollars and cents in Canadian money in the joint or through tariffs of rates. If by reason of an adverse trade condition, the Canadian dollar is at a discount in the United States, so that when the Canadian railway sells a through ticket and remits the American railway the tolls collected by the Canadian railway for that portion of the through ticket which pertains to the American railway, the remittance is subject to the prevailing rate of exchange in force on the day of remittance, there is involved in the language of the Assistant Chief Commissioner, "an adventitious loss" to the Canadian railway, not on the toll or rate, but on a remittance by one railway to the other, just as there would accrue to the Canadian railway an adventitious gain by remittance to it in United States currency for the Canadian part of a through ticket sold in the United States. But the rate, as a rate, is not affected by the gain or loss involved. By economic conditions, affecting exchange of currency between Canada and the United States, foreign to railway rates, the Canadian railway receives on its remittances from the United States railways for Canadian portion of tickets there sold, more money than the joint rates authorize it to collect for the travel in Canada. But it is not "surcharged" upon the toll; the traveller does not pay it. It is no part of the rate. It is "an adventitious gain" foreign to the contract of carriage and incident only to the remittance from one railway to the other. The principles governing rates are the subject of statute and cannot without express authority of law be changed to meet or provide for any gain or loss in monetary exchange. The Assistant Chief Commissioner says:-

"The adverse rate of exchange is a factor of cost, which is not provided for in the rate."

If that he so, is there any authority for the proposition that a factor of cost, not provided for in the rate, can be previded for by this Board, by "surcharge" or other-. ... than y we incre sent the rate under the Railway Act? If it be a "factor of si" it I longs to the rate, one should be included in the rate, definitely and exactly, me ording to the case involved, in common with and in proportion to all the other that is moring into and making up the rate. If it be a "factor of cost" it could, and mode, 's agai's of distribution in the rate, without involving discrimination or is annoted, and the mate containing that factor would be built upon the principles of an reaking. But it is because it consists of adventitious, and fluctuating, gain or here, more a more of with the cost of transportation, but as an incident of a joint our groundst housen railways concorned, and so variable and unascertainable . to . meetable of being definitely ascertained as a "factor of cost," that it is me said to include it in the rate without violating rate-making principles and, therethe the is traverations gain or loss" incident to the joint rate wholly apart from the pri ciple involved. It is a domestic affair—a matter of account adjustment between the pullways one in the joint rate with which this Board has no right to interfere, for the same reasons that the Board held, in the case cited, that it had no power to there re in the case of the enforcement by the Canadian railways of their regulaour exusion to accept prepayment of freight-a measure which brought to the anadian railways much adventitious gain by compelling payment of all shipments . in Canal to the United States in American funds for the whole of the haulconscious and American. That was a measure adopted by the railways without any at all as he are authority of the Board, as regards through international freight must be come themselves against the same adventitious loss which they now allege, but the continuous they suffer in the adjustment of their passenger rates with American railways under their joint rate agreement. Yet, when application was made by shippers to cancel it, the Board held it had no jurisdiction to interfere. these are passenger rates, making it impracticable to refuse prepayment of the tolls, I see no reason why an attempt should be made to create a jurisdiction with respect to the latter when it is negatived as to the former. Supposing that when the remittance was made by the Canadian railway to the American railway, the Canadian gollar was at a premium, could the railways be called upon, by virtue of any power, under the Railway Act, to reduce their fares?

Another feature presented is that the "surcharge" is to be levied and exacted ment all international through traffic, moving from Canada to the United States, irrespective of whether the travel in Canada be long or short. This is what is termed an "average basis." I put an example of this to Mr. Flintoft at the houring, p. 2805, instancing a characteristic journey from, say, Montreal, over the "Soo Line" to a point ten miles over the American border in Michigan.

"Commissioner Bovce: It is so that if a man travels 10 miles beyond that be rdor (the American border) he would be surcharged for his whole 600-mile trip in Canada, at 25 per cent rate of foreign exchange?"

"Mr. FLINTOFT: Yes, sir. That is the way the tariff will read."

This would work out as follows: The railway would be authorized to exact from the traveller, on the fare for the whole journey of 610 miles, a percentage of the current rate of exchange, while only 10 miles of the journey would be in American in a small the Canadian railway would pay exchange on remittance to the American railway of the fare for only that 10 miles, retaining, by authority of the leard, as "adventitious gain," the "surcharge" collected from the traveller on the 600 miles of Canadian travel. On the return journey, over the same route, on a ticket made to the United States, the American railway would collect the whole fare or 610 miles, in American money, retain the fare for the 10 miles of American travel, and the Canadian railway, in American funds, for the 600 mile journey in

Canada, thus making an 'adventitious gain" to the Canadian railway, of the exchange on 1,200 miles of Canadian travel, and paying exchange on but 10 miles of American travel.

The same examples can be extended, in the same way, to much larger journeys, eg., Vancouver to any point in Michigan-say 10 miles from Detroit. Under the proposed "surcharge" plan the Canadian railway would be authorized, by this Board (if it could sell the ticket which it is authorized to sell) to levy on an unsuspecting and innocent traveller a surcharge for say 2,930 miles, and pay exchange on only 10 miles of American travel. And the same proportionate results would follow, if a ticket were purchased in the reverse direction. The Canadian railway would thereby make "an adventitious gain" in exchange on 5,840 miles of Canadian travel. palpable injustice and discrimination it is sought to justify because in another case where the distance travelled on the foreign railway was greater, the Canadian railway would suffer the "adventitious loss," and the gain in the one case might (or might not) balance the loss in the other. It would involve a solemn sanction by this Board of the practice of "robbing Peter to pay Paul." But, if a toll, it would be a flagrant violation of section 314 of the Act. If not a toll, it would be a discriminatory practice, and a departure from the tolls prescribed by the tariff, expressly forbidden by the Railway Act, and declared by section 430 to be a penal offence against that Act.

A similar result follows from the segregation of the country into districts—localities or areas—for the purpose of the imposition of the "surcharge," of varying percentage, according to the area, or zone prescribed, and shown on the plan filed at the hearing, also involving instances of violations of the discriminatory sections of the Act.

The provision that the purchaser shall have preserved to him the privilege of paying the local rates to border points is of no importance. He has, and always has had, that option. The mischief I apprehend is that a measure contrary to law is to be sanctioned, which purports to authorize the Canadain railways to "load" or "surcharge" tolls, for a purpose which is beyond the powers of the Board to deal with.

No evidence was submitted by the railways to support the proposal, beyond statements of traffic, from which it was argued that there appeared to be a loss on exchange. If the proposals were such as the Board ought to consider at all, they could only be supported by financial statements, which the railways I should think could easily have submitted (because the present exchange conditions have existed for a year or more), in support of their contentions as to the loss on exchange, showing the actual state of their accounts with American railways on the exchange situation, and showing clearly the adverse balance, if there was one, in respect of which they claimed relief. In the total absence of any such direct evidence, which it was only reasonable should be furnished, the whole proposal seems chimerical, based on estimates and illusions and involves the graver feature that it lacks the authority of law.

In my opinion, any remedy there may be against the effect of the economic conditions involved in the international exchange situation, common as they are to railways and every branch of international commerce, is for the railways to work out. They have it in their power, if there is (as to which we have no clear evidence) a heavier burden created than they feel they should bear, to adjust the burden without saddling it upon a long-suffering and already over-burdened public, which has had scant opportunity of opposing it. They can relieve themselves from any loss by compelling the traveller from Canada to pay his fare to the boundary. He now, and has always had, that option. That would involve the abandonment of the joint rates. If the retention of these rates is more profitable to the railways than

Is no discritions less" involved by them, they will retain them. It evidently is or they would not have retained them during the long time these apparently unfavourable economic conditions have existed.

I observe that as the contemplated scheme is, as the Assistant Chief Commisinproper me sarriy worked out on a basis of averages, and that the Chief Comthe most in his indement, points out that an average of 34 per cent of the rate of oxolloge or a 1 per cent "surcharge") would exactly reimburse the Canadian . IIW: for the cases in estimates, the average percentage to be exacted if there be a rough dir. in more it, of travel, from points carrying the 75 per cent, 50 per cent and the result of surelarge (I disregard the 100 per cent, as it is said, though the is no will never it, that the travel to which it applies would be a negative quench and to 50 per cent of the rate of exchange—another, perhaps unimportant and full into is time of the unsoundness and unfairness of this chimerical proposal.

! . and find, upon what is submitted, that there is not sufficient evidence in support of the application. I am of opinion that there is in law no authority or

jurisdiction in the Board to entertain it, and it should be dismissed.

# APPEALS FROM DECISIONS OF THE BOARD

For the year ending December 31, 1921, there were three appeals made to the to vomes in Council, and no appeals to the Supreme Court of Canada, from the decisions of the Board.

With reference to the appeals to the Governor in Council, the first was an moved of the mity of Toronto against the Board's General Order No. 308, dated squaring 0, 1979, authorizing a general increase in freight rates effective September 1920, and the matter was referred back to the Board for reconsideration.

The second appeal was made by the city of Toronto against the judgment of Deard dated April 30, 1921, providing for certain increases in the rates of the

Bell Telephone Company, but this appeal has not been prosecuted.

The third was an appeal by the Canadian Northern Quebec Railway from order of the Board No. 31312, dated July 26, 1920, relative to the crossing of the Pointe aux Trembles Terminal Railway at Pointe aux Trembles, Que. This appeal is still pending. .

## ORDERS, GENERAL ORDERS AND CIRCULARS

The until number of orders issued for the year ending December 31, 1921, was 1.154. The number of general circulars issued by the Board, directed to all railor companies subject to its jurisdiction, was five. The general orders as distinand from other orders of the Board are those affecting all railway companies subject to its jurisdiction, and are twenty-six in number for the year.

A list of the general orders and circulars for the year ending December 31,

1921, will be found compiled under Appendix "G" to this report.

#### APPLICATIONS TO THE BOARD

to a quanter of applications, including informal complaints made to the Board, for the year ending December 31, 1921, was 3,455.

# TRAFFIC DEPARTMENT OF THE BOARD

In the Traffic Department of the Board the number of tariffs received and filed for the year ending December 31, 1921, was as follows:—

Freight tariffs, including supplements.  Passenger tariffs, including supplements.  Express tariffs, including supplements.  Telephone tariffs, including supplements.  Sleeping and parlour car tariffs, including supplements.  Telegraph tariffs and supplements.	56,279 19,829 9,947 6,480 464 21
	93,020

The total number of tariffs filed from February 1, 1904, to December 31, 1921, was 1,037,767.

The details of the tariffs will be found under Appendix "B" to this report.

# ENGINEERING DEPARTMENT OF THE BOARD

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending December 31, 1921, number 350, and cover inspections for the opening of a railway for the carriage of traffic, inspections of culverts, highway crossings, cattle guards road crossings, bridges, subways, and general inspections falling within the scope of the work of the Engineering Department.

Under Appendix "C" will be found a detailed report of the Chief Engineer.

## OPERATING DEPARTMENT OF THE BOARD

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the locations of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under appendix "D" will be found a full and detailed report of the Chief

Operating Officer of the department.

## ACCIDENTS AND ACCIDENT INVESTIGATIONS

On reference to the report of the Board's Chief Operating Officer, it will be seen that accidents to the number of 1,821, covering 243 persons killed and 1,928 persons injured, were reported to the Board during the year ending December, 1921, as compared with 2,093 accidents reported for the year 1920, covering 254 persons killed and 2,330 persons injured.

It is gratifying to note that the year 1921 produced a total decrease of 11 in the number of persons killed, as compared with the year 1920, and a total decrease of 402 in the number of persons injured.

The figures given show:-

- (1) Seventeen passengers killed for the year ending December, 1920, and 4 passengers killed for the year ending December, 1921, a decrease of 13; and the number of passengers injured was 379 in 1920, as compared with 240 in 1921, a decrease of 139.
- (2) The number of employees killed was 80 in 1920 and 91 in 1921, an increase of 11, and the number of employees injured was 1,570 in 1920, as compared with 1,344 in 1921, a decrease of 226.

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(3) The number of others killed was 157 in the year 1920 and 148 in the year 1921, a decrease of 9, and the number of others injured was 381 in 1920, as compared with 344 in 1921, a decrease of 37.

It is pointed but that out of 148 others killed, 64, or 43 per cent, were trespessers, and that out of 344 others injured, 91, or 26 per cent, were trespessers.

The following is a table giving the comparison between the total number of passengers carried by the railway companies, and the number of passengers killed and inpured, and the same information as to employees. Figures giving the total number of passengers carried and employees are for the year ending 1920, the last figures available, and are taken from the Railway Statistics published by the Transportation Branch of the Dominion Bureau of Statistics:—

Number of Number of	passengers carried on railways	,422 4 240
Number of	employees with ranways	,177 91 ,344
Trespassers— Number of Number of	trespassers killedtrespassers injured	64 91

It will be noted that of what may be termed preventable loss, there were 64 silled under the heading "Tre-passers" and 91 injured. This is a reduction of 9 in the number of killed and 29 in the number injured from the year ending December 1920.

The following table shows the total by provinces as regards trespassers killed

and injured for the year ending December, 1921:-

9												
		Pr	ovin	ce							Killed	Injured
Nova Scoti	a				 			 		 	1	1
New Bruns	wick				 	 	٠		 ٠	 		1
Quebec					 	 	,	 		 	.8	12
Ontario											30	42
Manitoba											5	8
Saskatchew											9	6
Alberta											7	14
British Col											4	7
Discipli Col	CLITTIC ACC.				 	 		 	 	 		
To	tal										6.4	91
20									 	 		

Attention is again directed to the statement setting out in detail the situation as regards highway crossing accidents during the past five years. It will be observed accidents that there has been a total of 777 accidents, covering 294 persons killed and 905 injured.

Crossics protected by gates accounted for 24 killed and 71 injured.

Crossings protected by bell accounted for 43 killed and 95 injured.

Crossing - motected by watchman accounted for 10 killed and 37 injured.

Crossings unprotected accounted for 217 killed and 702 injured.

Here have been 191 accidents at protected crossings covering 77 persons killed and its persons injured, and at unprotected crossings there have been 586 accidents covering 217 persons killed and 702 persons injured.

During be year ending December, 1921, there were 189 accidents at highway to the evering 70 persons killed and 214 persons injured, as compared with 191

accidents in 1920 covering 68 persons killed and 215 persons injured.

Automobile accidents totalled 114, divided as follows:—

acomodic ac	condition to tailed 111, divided as 10110 ws.	
At crossings	s protected by gates	3
At crossings	s protected by watchman	4
At crossings		15
At crossings	s unprotected	92

Horse and rig accidents numbered 41, made up as follows:—	
Gates	2
Watchman. Bell. Unprotected.	1
	-6 32
Pedestrian accidents numbered 34, as follows:—	02
Gates	7.0
	10
	nil
Unprotected	4

It will be observed from the above that 45 out of a total of 189 accidents occurred at protected crossings, leaving unprotected crossings to account for 144 accidents.

Full particulars of passengers and employees killed and injured, and other general information in regard to trespassers killed and injured, accidents at protected and unprotected crossings, etc., will be found under appendix "D".

# FIRE INSPECTION DEPARTMENT OF THE BOARD

The railway fire inspection work has been carried on, as in former years, in co-operation with the various Dominion and provincial forest-protective organizations, selected officers of such organizations being designated to act locally for the Board in the capacity of fire inspectors.

Requirements relative to the maintenance of fire patrols and the reporting and extinguishing of fires have, on the whole, been carefully observed by the railways with excellent results. In this connection, reliance is being placed upon the section forces and other regular employees, to an increasing extent, as distinguished from the handling of such work by a special force organized for the purpose.

During the year 10,270 miles of fire-guards have been constructed or maintained by railways in the Prairie Provinces, in accordance with the requirements issued by the Chief Fire Ingrestor. This result is

the Chief Fire Inspector. This constitutes a very good showing.

A total of 1,505 fires from all causes were reported as originating within 300 feet of railway lines in forest sections, subject to the Board's jurisdiction throughout Canada. This is a decrease of 159 fires over the figures for the preceding year. Of these fires, 641 were incipient and did no damage. Seventy-seven per cent are definitely attributed to railways, seven per cent to known causes other than railways, and sixteen per cent to unknown causes. A total area of 101,616 acres was burned over. Seventy-three per cent of this area was burned over by fires definitely attributed to railways, eighteen per cent by fires due to known causes other than railways, and nine per cent to fires of unknown origin.

The total damage by all these fires is estimated at \$162,615; of this, the railways are charged with thirty-nine per cent, while forty-three per cent is charged to known causes other than railways, and eighteen per cent to unknown causes. The aggregate monetary damage due to these fires is \$136,229 less than in 1920.

Under appendix "E" will be found a full report of the Chief Fire Inspector, together with summaries of fire reports, inspection of locomotives and fire-guard construction.

## ROUTINE WORK OF THE BOARD

#### RECORD DEPARTMENT

Below is given a table setting forth the number of applications, filings and letters received during the year ending December 31, 1921, together with the number of orders issued:—

Number of applications made	3,454
Number of filings received during the year	34,262
Number of outgoing letters during the year	27,534
Number of orders issued during the year	1,454

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# THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

## RECORD ROOM

Sixtimate showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1921

or the Ra	1.11.11	* 7 (. 5.	, lur	the ;				CCIIIC		,			
and the second	Lin	1 , },	Viur 1	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Totals
Reseinding of orders, sec. 34	6	5	5	4	11	16	5	45	22	4	5°	9	137
Rules and regulations, sec. 34, 281, 287, 290, 296		1	4	4	6	12	13	7	5	4	5	3	1 68
Extension of time, sec. 41 Location of line, sec. 167-177	2	4 2	2	1	2	1	2			î		1	14 1
Correction of plans, sec. 174	1	3	3	1 3	1		2	2	2			1	1 18
Railway as constructed, sec. 175 Expropriation of lands, sec. 189-		3	_	9			1	-	-				4
Appeals against Board's deci-		. 2	1			2							3
Branch Lines of railway, sec.		00	15	16	16	18	10	25	27	16	18	22	226
180-187	20	23	15		2	1 10	16	4	1	11	35	- 1	78
252-254 Interlocking appliances, sec. 252	4	4 2 17	1 27	5 16	1 12	3 14	10	20	3 23	12	2 40	1 8	32 219
Highway crossings, sec. 255-257 Highway diversion, sec. 256	16	2	6	5	2	5	6	2	4	1	3		42
Protection at crossings, sec. 257-267	12	7	7	4	13	17	15	14	10.	8.	12	12	131
Telegraph and telephone lines							١.		1				1
Telgraph and telephone connections, sec. 371		1					. 2	1		1		1	6
Telegraph wire crossings, sec 372						1			1			2	2 8
Power wire crossings, sec. 372 Telephone agreement, sec. 375	18	2 4	12	6	11	9	10	2	11	5	10	4	102
Canals, ditches, etc., sec. 268									1	2	1		1 5
Water pipes, sec. 269 Sewers, sec. 269		3	····i		. 1		. 1	4	1 2	1			5 7 15
Culverts, sec. 269 Farm crossings, sec. 272–273	1 1	4	1	5 2	2	1		1	í		2	1	19
Protection at larm crossings			· · · · ·			. 1					1 11	. 1	10
Cattleguards, sec. 274	1		3	. 1	1	2	2 7	3	1 1	3	3 7	9	31 97
Bridges, sec. 249-251 Stations, sec. 188	8 27	11 5	18		6	2		13	8 7	2	3		88
Conditions of stations, sec. 188. Station accommodation and		1			. 1						3	7	119
Opening of railway, sec. 276-277	10	12 2 2	28	2	1		. 1	1	7 4 3	6 1 9	5	6	26 41
Condition of railway, sec. 283 Rolling stock, sec. 298-301	. 1	2	6 9	7	12				6	4	. 3	2	71 30
Working of trains, sec. 287	. 3 5	2	4	1		2	8	0	3	4		1	41
Obstruction to traffic, sec. 311. Accommodation for traffic, sec. 312			. 1	1						5		,	40
Accident reports, sec. 285-286.	. 62	38	40										
Fires from locomotives, sec. 286 281-287-387				.] 1	9								24
By-laws re tolls, sec. 323					]		i				. 1	3	. 6
Freight classification, sec. 322. Disallowance of tariffs, sec. 325							2		i	1		3 2 1 2	5
Standard freight tariffs, sec. 33 Standard passenger tariffs, sec.	34							1				. 2	5
Local passenger tariffs	2	· · · i	1	i			1				1	3 4	9
Adjustment in rates Special freight tariffs, sec. 331	1	6		2				2 1	. 2	8		l	. 12
Special passenger tariffs, sec. 33 Provisions for carriage, sec. 34	4	1		1				- 1				1	
Express tolls, sec. 360-366		. 1			2	!	2		2			2	10
Telephone Tolls, sec. 375	2.	1		1	4	2	3	4	i		2	i	16
Amaigamation agreements, se						2	1				1		. 4
Traffic agreements, sec. 154		.} 1		2	2					1			5
Inquiries	i	3			7	5 1	i i i	2 1 6					3 10
Complaints Miseellaneous	66	2:	3 2	2 1	6 6 8 2	5 5	6 4	9 6 5 1	8 5	4 4	5 1		5 212
Deviation of line, sec. 178			1	8	1		1	2		3	1	3	23
Totals	313	28	5   33	0 25	9 28	6. 31	10 31	2 31	8 30	0 22	6 31	2 20	5 3,455

## APPENDIX "A"

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1921

CANADIAN FISHERIES ASSOCIATION v. CANADIAN EXPRESS COMPANY re RATES ON FISH

Judgment, Chief Commissioner Carvell, January 8. 1921, concurred in by Deputy Chief Commissioner Nantel:

At the sittings in Prince Rupert on October 6, last, complaint was made by the Canadian Fisheries Association against a recent order of the Canadian Express Company by which they refuse to carry 1021 pounds of fresh fish packed in ice as 100 pounds, claiming that this practice was carried on at Vancouver and Seattle, being the other points along the Pacific coast in competition with Prince Rupert. The whole case is found in the application of Mr. Williams, the counsel for the complainants, which is as follows:

"One matter is that on the Pacific coast from Tacoma north, the deep sea fishermen bringing in halibut are allowed a deduction of 21 per cent to cover slime and ice, which it is not advisable to wipe off the fish because the fish keep better if it is not removed. The custom obtains also of shipping those fish out upon the same basis. That is the fish plus the slime and ice weighs 23 per cent more than the invoice. That obtains I understand all up the Coast, the idea being that the slime and ice is not fish.

"Recently the Canadian Express Company ruled that they had to be paid for the slime and ice. That is that the fish had to be billed and the express

paid upon the invoice weight plus the 21 per cent."

Attempts were made to substantiate the contention that this practice prevailed up and down the coast, particularly at Vancouver and Seattle, and it was held that Prince Rupert was being unjustly discriminated against in not allowing this custom to continue.

The Canadian Express Company repudiated any knowledge of such a custom. Mr. W. J. Cash, Manager of the Booth Fisheries, was called upon as a witness and stated (including some questions asked by myself in order to bring out the contention

more clearly) as follows:--.

"In Seattle the express company accepts shipments at invoice weight. The tariff allows no reduction on that invoice weight. Nevertheless, this which we claim not to be fish is not charged for in Seattle. They make no allowance in their tariff; just the same as the tariff here; the tariff calls for net weight. We claim net weight and this is in addition to what we claim is net or invoice weight.

THE CHIEF COMMISSIONER: Why should the express companies be com-

pelled to carry 1022 pounds of weight and get paid for 100 pounds?

Mr. Cash: The fish is weighed up on that basis. There is an accumulation, owing to the fish being packed in the holds of vessels in crushed ice. Another thing is there is slime on the outside of the fish that keeps it.

THE CHIEF COMMISSIONER: Admitting all that, why should the express

company be compelled to carry that 21 per cent for nothing?

Mr. Cash: Their charges are on the net weight of the fish and they carry the boxes and ice for nothing."

Mr. Williams also produced a statutory declaration by a Mr. George H. St. Denis, the Vancouver manager of the Canadian Fish and Cold Storage Company, Denis, the Vancouver manager of the Canadian Fish and Cold Storage commissioner, etc., at Vancouver, on the 27th day of September last, alleging that for seven years he had been local manager of the Canadian Fish and Cold Storage Company in Vancouver and, previous to that time, had been in the employ for several years of the New England Fish Company and the Canadian Fish Company at Vancouver, and, during his said employment, in shipping fresh halibut in carload quantities to eastern points, he had loaded 21 per cent more fish into each box than was declared on the shipping documents handed to the express companies, and also claimed that, to his knowledge, it had been the practice for many years of other companies shipping from the same point.

The Dominion Express Company was represented at the hearing by Mr. Burr, its testile manager, and by Mr. MacDonell, its general manager, and they stated positively that, it any allowance had been put on by the shippers using the Dominion Express company, it had not been done with the knowledge of the company, and they stated

they were then investigating the matter at Vancouver.

The parties were to furnish additional evidence as to the facts, and, in the month of October last, we received a copy of a letter from Mr. E. M. Whittle, General Manager of the American Railway Express Company at Seattle, addressed to its vice-president, as follows:

"SEATTLE, WASH., October 13, 1920.

"Mr. A. CHRISTESON, Vice-President.

"Dear Sir,—Referring to your letter of September 21, and dunner of October 4, relative to certain allowance from actual weights alleged to have been made in connection with fish shipments forwarded from North Pacific

points.

"In order to get at the exact facts I arranged with General Agent Hargrave to place a man at one or two of the fish houses at the time a carload was being packed and prepared for shipment. We selected the San Juan Fishing and Packing Company and Booth Fisheries, as they are the principal shippers from this district. At the former place we checked a complete carload forwarded in Northern Pacific refrigerator 99015 to Kansas City. This concern weighs the fish in a hopper scale and the product is placed direct in the boxes after The weigher keeps a record of the amount of fish placed in each box and weights are then marked on the box. Our man took the exact weight as shown on the scales, while the weigher for the San Juan Fishing and Packing Company used even pounds, sometimes allowing almost a pound on a box, but, as a rule the allowance would not be more than half a pound, it being the intention to give down weight on the scales on all shipments for-On this carload the actual weight as taken from the scales by our man was 20,735 pounds. The billing weight furnished us by the shipper was 20,636, a difference of 105 pounds. This would be approximately one pound to the box, each box containing approximately two hundred pounds of fish.

"A complete car was not checked at the Booth Fisheries, as it was found early in the operation that their methods were exactly the same as those of the San Juan Fishing and Packing Company, that is, they gave us for billing purposes the weight furnished by the scale man which ran a little under the netual weight, as he gave the consignee the benefit of anything under an even

round on each box.

"A check of the Ripley Fish Company on L. C. L. shipments indicated that they arrived at the weight as closely as possible and gave us for billing purposes the actual weight as shown on the scales, with no deduction whatever.

"Any variation from actual weight on shipments of fish forwarded from Seattle is at the scales and not through any percentage deductions after the

boxes have been packed.

"It is very clear, therefore, that the charge as made is not in accordance with the facts, and while there may be a variation of approximately 100 pounds on a car-load of fish, it is not arrived at by any method of deduction, simply due to shippers showing the weight in round numbers dropping any fractions of a pound. 21 per cent of the actual weight of the San Juan car, or 20,735 pounds, would be 418 pounds, whereas the billing weight as given to us was 20,630.

"Fish shippers here verify the statement that there is excess weight on both halibut and salmon on account of the accumulation of what is known as "gurry," consisting of slime and ice, but that no effort has ever been made to make any percentage reduction in the net weight to take up the item. The San Juan Fishing and Packing Company showed us the returns on several cars, each indicating that they were paid on the basis of the net weight at the time of delivery, which in each case was considerably less than the billing weight, in one instance as much as 500 pounds.

"I cannot see that there is any violation of tariff provisions and believe it would be unreasonable for us to expect shippers to weigh out these two

hundred pound boxes of fish to the ounce.

"Yours truly,

E. M. WHITTLE, "General Manager."

I, therefore, take it that a custom has been in existence along the Pacific coast of shipping slightly more in weight than has been paid for, but the practice has not been uniform, and I am therefore compelled to decide this matter purely upon

the legal question involved as to the meaning of the words "net weight."

The fresh fish tariffs of the Dominion, Canadian, and Canadian National Express Companies show that the carload rates apply on the net weights, subject to a carload minimum of 20,000 pounds. The tariff published by the American Railway Express Company applying from Prince Rupert and Vancouver, in connection with the Dominion, Canadian and Canadian National Express Companies, to United States destinations also provides for net weights.

While the complainants may contend that the words "net weight" of the tariffs literally support their contention, what the tariff framers in all likelihood meant was the net weight as distinguished from the gross weight; in other words, the gross weight minus the weight of the box and the ice added at Prince Rupert, etc., as

preservative.

As pertinent to this case, I quote from the judgment of the ex-Chief Commissioner, Sir Henry Drayton, in a complaint of the W. J. Guest Fish Company, of Winnipeg, regarding the express rate on fresh fish, in carloads, from Vancouver to Winnipeg, issued November, 1914 (file No. 4124.436), as follows:—

"The fish has to be carried in containers and on ice, and it has been calcu-, lated that the additional weight represented by the containers and the ice brings the weight of 20,000 pounds at which the rate is charged, to 32,000 pounds; so that, as a matter of fact, the company has to carry 38 per cent more weight than it is paid for. These calculations are probably more approximations than actual, but there is no doubt that the handling of fish does entail the carriage of a considerable extra weight."

I therefore must conclude that the words "net weight" mean the weight of the fish, and, if there should be a certain amount of slime attached to it, it is a part of 20c-3

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the fish, just the same as would be the fins or bones, and, therefore, I think the

express company is justified in refusing to accept the billing as tendered.

In so far as the Dominion Express Company is concerned, while, as before stated, it had no knowledge of the custom, they have now instructed their superintendent at Vancouver that no such privilege shall be allowed in future, and, therefore, there will be no discrimination between Prince Rupert and Vancouver. From the practice carried on by the American Express Company at Seattle, I can see nothing which would justify a continuation of the practice in order to meet conditions at that point. The application will, therefore, be refused.

Re compensation to be paid by grade coal company, limited, for construction of canadian national railways spur for the newcastle junior mining company, limited, at drumheller, alta.

Judgment, Commissioner Rutherford, January 10, 1921, concurred in by Assistant Chief Commissioner McLean.

This case arises from the application of the Canadian National Railways, under sections 181 and 182 of the Railway Act, 1919, for authority to construct, maintain and operate a spur line of railway for the Newcastle Junior Mining Company, Limited, across a portion of the southeast quarter of section 10, township 29, range 20, west of the 4th meridian, the mining rights under which area are held by the Hy Grade Coal Company, Limited, of Drumheller, Alberta, under a sub-lease from the Drumheller Land Company, which in turn holds the land under lease from the Crown.

At the opening of the hearing at Drumheller, on June 17, 1920, an agreement ws reached between the parties, whereby the application of the Canadian National Railways was so amended as to come within the provisions of sections 164 and 197

of the Railway Act, 1919.

All parties consented to the construction of the spur line of railway, and Order of the Board No. 29809, authorizing the same, accordingly issued on June 29, 1920, this order expressly stipulating that the authority was conferred, "subject to determination by the Board of the matters alleged to fall within the scope of section 197 of the Railway Act, 1919," which reads as follows:—

"The company shall, from time to time, pay to the owner, lessee or occupier of any such mines, such compensation as the Board shall fix and order to be paid; for or by reason of any severance by the railway of the land lying over such mines; or because of the working of such mines being prevented, stopped or interrupted, or of the same having to be worked in such manner and under such restrictions as not to injure or be detrimental to the railway, and also for any minerals not purchased by the company which cannot be obtained by reason of the construction and operation of the railway."

The spin back in this case, authority for the construction of which was granted by the Board's Order No. 29809, leaves the Canadian National Railways' right of you at a rain in legal subdivision 1, in the southeast quarter of section 10, township 99, range 20, west of the 4th meridian, about 350 feet west of the road allowance between sections 10 and 11, and running for approximately 1,190 feet in a southerly direction, crosses the south boundary of section 10 at a point about 200 feet west of the said road allowance.

At the heaving on June 17, 1920, there was also before the Board the application of the Eight C al Company, Limited, of Drumheller, Alberta, for an order directing the Canadian National Railways to construct a spur line of railway to lead from the 1 pm of Newcostle Junior Mining Company's spur to the Elgin Coal Company's property in the northerst quarter of section 3, township 29, range 20, west 4.

This spur as projected left the Newcastle Company's spur some 350 feet north of the south boundary of section 10 and running southeast, largely reduced the area between the Newcastle Company's spur and the road allowance between sections 10 and 11. The condition created by the filing of this application naturally affected the nature of the evidence adduced and the arguments submitted in both cases, and the Assistant Chief Commissioner ruled, after an agreement to that effect between all the parties represented, that where evidence given in either case had a bearing on the other, it should so apply.

The application on behalf of the Elgin Coal Company having since been withdrawn, the situation has undergone a considerable change, especially in regard to the practicability of mining the coal in the area above referred to, namely, that lying between the proposed spur of the Newcastle Junior Mining Company and the road

allowance between sections 10 and 11.

In both cases, evidence was adduced by the applicants questioning the validity of the lease under which the Hy Grade Coal Company holds its land, inasmuch as the original lease from the Crown is held by the Drumheller Land Company, the coal mining rights being sublet to the Hy Grade Coal Company. As the legal status of the Hy Grade Coal Company in the matter of land tenure does not enter directly into the question submitted to the Board, being properly a matter to be decided in the courts, it is not dealt with in this judgment.

The question is that of the amount which should be paid to the Hy Grade Coal Company as compensation for damage to its interests, arising out of the construction and operation of the railway spur for the Newcastle Junior Mining Company.

In considering this question of compensation, there are four important points to be dealt with, namely,-

1. The areas affected,-

(a) The actual area required for the construction of the spur for the Newcastle Junior Mining Company;

(b) The area lying between the Newcastle Junior Mining Company's spur and the road allowance between sections 10 and 11, township 29, range 20, W. 4.

and the quantity of coal which but for the construction of this spur could be removed from these areas by ordinary mining methods and with the usual operating costs.

2. The extra expenditure involved in removing the coal from areas (a) and (b), as also from the area lying to the west of the spur, as a result of the construction of the said spur.

3. The quality and probable value from a marketable standpoint of the coal in areas (a) and (b) as also in the area lying to the West of the spur, in regard to which severance is claimed.

4. The general comparative values of coal lands of like character and similarly situated as to development and operation.

Generally these points are dealt with in the order as given, but it will be seen as the case develops, that it has been necessary, in order to arrive at a decision, to consider them as more or less closely related factors.

1. The areas affected,—

(a) The actual area required for the construction of the spur for the Newcastle Junior Mining Company;

(b) The area lying between the Newcastle Junior Mining Company's spur and the road allowance between sections 10 and 11, township 29, range 20, W. 4.

and the quantity of coal which, but for the construction of this spur, could be removed from these areas by ordinary mining methods and with the usual operating costs.

Area (a), being the parcel of land actually required for the construction of the railway spur for the Newcastle Junior Mining Company across part of the southeast 4 f section 10, township 29, range 20, west 4, is a strip of land 66 feet wide extending from the Canadian National Railway right of way in a southerly direction for a distance approximately 1,190 feet to the line between section 10 and section 3, township 29, range 20, west 4, and comprises an area of 1.53 acres.

Area (b) is the parcel of land lying between the Newcastle Junior Mining Company's spur and the road allowance between sections 10 and 11, township 29, range 20, west 4, and is bounded on the south by the line between the southeast \(\frac{1}{2}\) of section 10 and the northeast \(\frac{1}{2}\) of section 3, township 29, range 20, west 4. This area comprises

2.17 acres.

The total area affected is therefore as follows:-

Area (a)	 	1.53 acres
Area (b)	 	2.17 acres
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Total		3.7 acres

The tonnage of coal involved in area (a), namely that under the right of way of the Newcastle Junior Company's spur (comprising 1.53 acres), was estimated by Mr. Strary, course, for the Hy Grade Coal Company, supported by the evidence of its engineers, at 13,568 tons of which he stated the Hy Grade Coal Company could, under ordinary circumstances were the spur not constructed, recover 85 per cent or 11,532 tons, provided the pillars could be withdrawn at the close of the operations.

Statements submitted in evidence by the accountant for the Hy Grade Company show an estimated profit per ton of 89.25 cents, but Mr. Savary stated that for purposes of calculation the company claimed a profit of 89 cents per ton. At this rate of profit the 11,532 tons estimated as recoverable from area (a) would have a

value of \$10,263.48.

Counsel for the Hy Grade Coal Company further submitted that if the pillars could not be withdrawn at the close of mining operations, even without the railway there, the amount of coal which would be recoverable from the ground occupied by the spur would be reduced from 11,532 tons to 6,919 tons, which is an additional reduction of 40 per cent on the 11,532 tons, although he had previously stated that the pillars comprise 40 per cent of the total tonnage.

Expert evidence given at the hearing indicated that this calculation was incorrect; that the loss when the pillars are not withdrawn is actually 40 per cent of the total tonnage; 60 per cent of the total tonnage being recoverable when the pillars are

not removed at the close of mining operations.

If therefore, the estimate of the Hy Grade Coal Company, of the total tonnage under the land occupied by the spur, namely 13,568 tons, were to be accepted, the amount recoverable if the pillars could be withdrawn would be 85 per cent or 11,532 tons, while if the pillars could not be withdrawn, the amount of coal recoverable would be 60 per cent or 8,141 tons (not 6,919 tons as submitted by Mr. Savary). This 5,141 tons at the Hy Grade Company's estimated profit of 89 cents per ton, would have a value of \$7,245.49.

With regard to area (b), counsel for the Hy Grade Coal Company submitted estimates of tonnage involved as follows:—

Total tonnage in this area, 11,597 tons, of which 85 per cent, or 10,163 tons, would be recoverable if the pillars could be withdrawn at the close of mining operations; he made the further statement: "If we cannot remove the pillars, we lose 40 minutum, under cases as 6,097 tons of coal which we could get, and at a value of 89 cents we would get \$5,426,33."

Again in this case, Mr. Savary's calculations, which he apparently quoted from statements prepared by the Hy Grade Coal Company's engineers, are quite evidently

incorrect. The 40 per cent of coal comprised in the pillars is 40 per cent of total tonnage, and in this case therefore, if the Hy Grade Coal Company's figures as to total tonnage in area (b) were accepted as correct, the amount of coal recoverable, if the pillars could not be withdrawn, would be 60 per cent of 11,957 tons or 7,174 tons.

The Hy Grade Coal Company's calculations further show an estimate of tonnage for the total area involved (a and b), of 25.525 tons, of which 85 per cent or

21,696 tons would be recoverable, provided the pillars were withdrawn.

Summarizing the Hy Grade Coal Company's calculations as to the total tonnage involved, it is somewhat interesting to consider these in comparison with the acreage of the two areas:—

Area (a), comprising 1.53 acres—Calculated by Hy Grade Coal Co., to involve 13,568 tons.

Area (b), comprising 2.17 acres—Calculated by Hy Grade Coal Co. to involve 11,957 tons.

Total area, comprising 3.7 acres—Calculated by Hy Grade Coal Co. to involve 25,525 tons.

In this connection it should, however, be noted that Engineer Kidd, on behalf of the Hy Grade Coal Company, estimated that, in addition to the actual 66 foot strip occupied by the spur, there would be a further loss of coal owing to the necessary jogs in the entries under the spur, although the quantity of coal thus involved is very small as compared with the difference shown above.

Without expressing any opinion as to the advisability of withdrawing the pillars in that portion of the Hy Grade Coal Company's mine lying east of the road allowance, where the cover is evidently thicker and of greatly better character, the evidence on this point as given at the hearing was such as to convince the Board that if the pillars were withdrawn in the area lying west of the road allowance, the safety of the miners would be greatly endangered, the mine would be exposed to the risk of flooding and there would be serious damage to the surface rights, which were shown by the evidence to be, in this locality, worth approximately \$500 per acre for building purposes.

2. The extra expenditure involved in removing the coal from areas (a) and (b), as also from the area lying to the west of the spur, as a result of the construction of the said spur.

The general consensus of evidence given at the hearing was to the effect that the coal in area (a), actually occupied by the right of way of the Newcastle Junior Company's spur, could not be mined at a profit, owing to the extra timbering required to safeguard the operation of the railway line. The evidence of a number of witnesses went to show that the coal had been removed from that portion of the property lying under the Hy Grade Coal Company's spur, without extra cost for timbering, but it was also shown that the conditions there were very different. The cover at that point is over twenty feet in thickness and consists in part of a stratum of hard iron sandstone rock, while in the locality of the Newcastle Junior Mining Company's spur, the covering is much thinner and of greatly inferior quality, consisting of thin water-worn rock, sand and gravel which would necessitate extra heavy timbering.

Mining Engineer Kidd, appearing on behalf of the Hy Grade Coal Company, estimated the cost of timbering the two entries (first and second northwest butt entries), which it was proposed to drive under the spur in order to reach the coal on the west side of the track, at \$1,075.35 and the extra engineering required to keep the rooms from running under the right of way at \$150. Under cross-examination by Mr. Temple, on behalf of the railway company, this engineer stated that after the coal was removed and these entries were no longer required, it would be good business to check them with rock, rather than to attempt to permanently maintain the timbering and he estimated the cost of such checking of the two entries at \$1,140.

Mr. Jess George stated in requirent, on behalf of the Newcastle Junior Mining Company, that the estimate of \$1,075.55 for timbering the two butt entries was idionless's currence at and estimated the total cost of timbering each entry at \$75,

or presumably \$150 altogether.

With a few men to the possibility of mining the coal in area (b) lying between the pur and the mad after my between sections 10 and 11, and comprising 2-17 r.s. In evidence at the luming was somewhat conflicting. Mining Engineer Mac-Canay, omniored by the Liberty Coal Company, and president of the Newcastle Juniar Mining Company, and made cross-examination that assuming the coal in this area to be as some outliness observiere in the same field, it could be profitably worked, and on request, pointed out the methods which, in his opinion, should be ut part to operating the eyes in question, namely, to drive the slope through the aloust possible point to save in landage and then drive entries parallel with the road

On the other hand, Mining Engineer Jones, on behalf of the Hy Grade Coal company, while admitting that the methods described by Mr. MacCauley were the proper another's for working this area, contended that it could not be profitably mined: that the entry work and switches necessary to remove the coal from this area would cost \$1,361, for which expenditure in entry work and switches elsewhere in the property, 35,925 tons of coal could be obtained, whereas, owing to short rooms and extra haulage, it would be possible here to take out only 7,198 tons. On checking up this last-mentioned tonnage, it has been found to be approximately 60 per cent of the total tonnage claimed by the Hy Grade Coal Company to be involved in this area (b).

3. The quality and probable value from a marketable standpoint, of the coal in the areas (a) and (b), as also in the area lying to the west of the spur, in regard to which severance is claimed.

Much greatly conflicting evidence was submitted as to the quality and probable value from a mark table standpoint of the coal in areas (a) and (b), as well as in the area lying west of the spur.

Mining Engineer Jones, on behalf of the Hy Grade Coal Company, stated that he had examined the coal at points where the Hy Grade mine encroached on the road allowance and found coal equal in appearance to that in any other part of the mine. No borings or tests had been made on the land occupied by the right of way, but he was familiar with the field and found that though there were some spots better or

worse, this scam was fairly uniform.

Mining Engineer Kidd, on behalf of the Hy Grade Coal Company, under crossexamination by Mr. Gouge, stated that the land sloped from the road allowance westerly or a little south of west, towards the creek which enters section 10 and crosses the railway some few hundred feet west of the Newcastle Junior Company's spur. He believed the seam of coal outcropped in the creek, the bed of the creek being about twenty feet lower than the level of the road allowance. He thought that at the creek there was from five to ten feet of cover; that going westerly and northery the ground disped and the cover became thinner. At the point in the wor lines of the Hy Grade mine adjacent to the road allowance the surface had caved in rooms 3 and 4 off the first east butt entry; he had not noticed any other cavings mean the read allowance on the west side of the property. There had been no work lone and no coal removed from the vicinity of the road allowance during the last three months. The coal in room 2, off the first east butt entry, was, so far as he knew, perfectly good clean coal. He could not tell anything regarding the coal in entries I amil I where they intersected with the road allowance as he had not been in that part of the mine for over a year.

To the counsel for the Hy Grade Coal Company this witness stated that he did not think the ever was less than 15 feet thick on any portion of the areas affected

by the construction of the spur; on the south boundary of section 10 would be the lowest point, but he thought it would be 15 feet thick there. The greatest depth of cover in these areas would be from 15 to 20 feet. To the Assistant Chief Commissioner he stated that this was not a matter of knowledge from tests but merely from knowing the depth at various points; there might be a variation of five feet from the irregularity of the surface.

Pit Boss Barclay, of the Hy Grade mine, stated that the coal in this mine was of the same quality as that in the Newcastle, Premier, or other mines in the locality. He found no local spots of inferior quality. The coal in the entries encroaching on the road allowance was quite good; practically the same as in any other part of the mine.

Duncan MacDonald, Provincial Inspector of Mines, in the performance of his official duties, frequently had occasion to go through the mine of the Hy Grade Coal Company. He had examined the coal along the westerly side of the workings approaching the road allowance. Back at the airshaft the depth was 27 feet, including the seam, which would leave 22 feet above the seam. The surface is undulating and the cover gets thinner towards the west. The coal on the westerly side of the mine was rusty. Entry number 1 going straight from the main shaft went into mushy coal under the road allowance; coal almost like moss. In his opinion there must have been seepage from the outcrop into the seam to produce this condition. There was a raise at that point of about four feet towards the surface. When the cover gets slack the coal becomes rusty. At the south end of the first and second butt entries in section 11 the coal looked pretty good and the roof was better. In the portion of the mine crossing the road allowance into section 10 he did not think the coal should be worked for commercial purposes, the cover being light. The coal was exposed in the bottom of the creek near the southwest corner. Rusty coal affected the market, as its value was slightly reduced for fuel purposes. Coal taken from under light cover contains a high percentage of moisture and when exposed to the atmosphere the moisture is absorbed and the coal breaks up very quickly.

It was not his official duty to interfere with the shipment of coal on account of its quality. As a man experienced in the coal industry, he considered the shipment of poor coal created a bad impression in the eastern market, but the Government

does not control the quality of the coal.

To the counsel for the Hy Grade Coal Company this witness stated that he found mushy coal at the point where one entry encroaches on the road allowance, as also at one other point. All the coal in that vicinity was rusty coal of no commercial value and he thought the reason the Hy Grade people turned the workings at the road allowance was because the coal was mushy there. It was not unusual to find mushy coal when there was a depression of the ground and there was such a displacement there.

Mining Engineer MacCauley, on behalf of the Newcastle Junior Mining Company, stated that the road allowance and the right of way are approximately on the same level but the ground slopes rapidly from there towards the creek. Where the cover is light they invariably get rusty and mushy coal. Unless it is necessary to go through such areas for the further development of the mine, coal of that class is left alone, as it is not wanted by the trade. The labour cost of taking out coal, without overhead or equipment, is approximately \$3 per ton and no coal of rusty or slack character is worth \$3 per ton when it is in the car.

Mr. Jesse Gouge, on behalf of the Newcastle Junior Mining Company, stated in evidence that the coal in this field is lignite, particularly valuable if mined, loaded and sold in lump form, but has no value as slack. In this field thousands of tons of slack, for which there is no market, are annually wasted, and a large amount is sold for twenty-five cents per ton, or approximately the cost of loading, this being coal that has cost \$3 per ton to bring out. Coal which will not come out in lump

form of a clear character has very little value; if it comes out in slack form it has no value. In second which is particularly friable or easily broken, the percentage of slack is greater. In some places the percentage of slack might run to 30 per cent or 40 per cent, and immediately they got away from light and into heavier cover, the percentage would go down to 15 per cent or 20 per cent, the cost of mining the coal remaining approximately the same.

Mining Engineer Jones, on behalf of the Hy Grade Coal Company, stated that he had a died and inspected the mine at several points; where the entries encroached on the road allowance and a number of other points in the same vicinity. He found the coal there of the same quality as in the face of the mine. Dealing particularly with the two points on the road allowance, which he had visited the previous day, be stated that the coal at these points was neither rusty nor mushy; from his observations of the conditions existing in the work along the road allowance he thought the coal on the other side of the road allowance and extending to a distance of 275 feet to the west side of the spur, should show no change in quality; he would not expect to find any marked change in the coal owing to the diminishing of the thickness of the

cover going down the slope towards the creek.

Charles L. Stanley, Secretary-Treasurer of the Elgin Coal Company, and formerly master mechanic at the Hy Grade Mine, testifying in the Elgin application, stated that the coal at the bottom of the slope in the Hy Grade mine appeared to be all right, but that as they went further south they found soft coal; the floor raised several feet and it appeared to be going to crop out a little further on; where they started to cross the road allowance they found soft coal, and they then cut across (presumably to the southeast) and the coal was again of uniform quality. They had much difficulty in marketing the coal taken from near the road allowance; Mr. McNab, a director of the company and one of its sales agents, refused to take this coal at all, as it was nothing but slack. Such coal was mined and marketed at a very great loss. He had a conversation with Mr. McConkey regarding the value of the coal along the west side and had asked him why they ever took up that piece of coal land at all. Mr. McConkey had stated that he realized that it was not worth anything practically, but it added to acreage and therefore if they ever wanted to sell the mine, it would give them a better selling on account of more acreage.

Mr. McConkey, Managing Director of the Hy Grade Coal Company, stated, in regard to this conversation with Mr. Stanley, that he did not remember making a direct statement of the kind attributed to him; he had said to Mr. Stanley that a certain portion of the land through the gulley was not of much use and that the coal

from it would not be of much use.

Asked by counsel for the Hy Grade Coal Company if any remark of that sort referred to the ceal near the road allowance, or within four or five hundred feet of it, he replied:—

"I was only a visitor to the mine at intervals."

M. C. Pitcher, Consulting Engineer and Professor of Mining in the University of Alberta, testified in the Elgin application that he had been in the Hy Grade mine and that at the foot of the slope into the road allowance, the coal was mushy. Asked as to the probable profit to be made from mining the coal to the south-west of the two main entries, he stated that he would not have recommended working the coal there at all without further prospecting; he did not think this coal would warrant working and doubted if one would get operating costs from it, though he would not abandon it without prospecting.

Allough affectly concerned with the Elgin application, his evidence was generally to the effect that there were grave doubts as to the quality of the coal lying west of the road allowance; that the cover in that area was undoubtedly light and that if the pillars were taken out, not only would the surface be lost, but there would be retained to use of limiting the mine from the creek, especially in the spring.

Considerable evidence was given on behalf of all the companies interested by a number of miners who had previously worked in the Hy Grade mine, as well as by several others still employed there. Their respective statements were, however, of so contradictory and conflicting a character as to render this evidence of no practical value.

On the whole, the evidence given on this point was such as to convince me that while the quality of the coal in the areas under discussion was very largely a matter of conjecture, the probabilities at least were against its being equal in uniform value to that now being obtained from the same seam, but under better cover.

4. The general comparative value of coal lands of like character and similarly situated as to development and operation.

Evidence bearing on the value of coal lands in the Drumheller district was given by Mr. Jesse Gouge, who cited sales of 1,280 acres to the Midland Collieries for \$50,000, and 1,280 acres to the Western Gem Mine for \$50,000. Valuations of coal lands in the district have run from \$300 to \$400 per acre. Most of these lands had been proven by test holes and shafts before sale was completed, and while they were coal properties, tested and proven, he admitted they were not developed mines. In the capitalization of the Alberta Block Coal Company, 560 acres of the same seam of coal, further under the hill, with high cover, the valuation put upon the coal lands was \$150,000 for 560 acres (approximately \$268 per acre). The revenue collector in Calgary had objected to this valuation as too high. Coal lands are valued by the town of Drumheller for school taxes at \$40 per acre.

Professor M. C. Pitcher, testifying in the Elgin application, when asked by counsel for the Hy Grade Coal Company as to the value of coal lands in this district, stated that they were worth whatever you could get for them. He once knew of an acreage having been sold in the district, adjacent to mines that had been started and not very well developed, at \$300 and \$350 per acre, the latter being the highest price at which he knew of coal lands being sold in Alberta. Good coal lands could be leased from the Dominion Government on lines of railway, at \$1 per acre per year; he had bought coal lands in Alberta, adjacent to operating mines at \$40 per acre and had been unsuccessful in selling coal lands in the Edmonton district at \$8 per acre; he had succeeded in having his taxation of \$22 per acre on coal lands in the Edmonton district reduced to \$16 per acre.

Upon being asked as to whether this was a fair way to get at the value of the coal to the mine operator whose coal is already developed and ready to take out, he stated that the value of the coal to such a man depended upon what he could make on the coal he could get out; that if he had a mine developed to the point of operation he would not value the coal by what he would have to pay for a lease somewhere else, but contended that the price he had quoted was for lands adjacent to an operating mine; that the value of coal lands to the mine operator depended upon the expense of operation, how much coal there was to the acre, the ease of operation and quality of the coal.

A. H. Gibson, a coal operator, testifying in the Elgin application, had recently acquired 3,358 acres of land immediately to the south of section 2, bought in free-hold tenure from the Canadian Pacific Railway Company, as part of their grant from the Government, at a price not exceeding \$15 per acre. In his opinion this land is more valuable than the land in section 2, immediately to the north of it, as it has been proven further back and has heavier cover.

In the light of the evidence as summarized, the points requiring consideration

should, in my opinion, be dealt with as follows:-

With reference to area (a), the land occupied by the spur, and which comprises 1.53 acres, the evidence offered as to the quantity and quality of the coal which, but for the construction of the spur, would have been recoverable therefrom, was not such as to justify the approval of the claims for compensation, advanced by the

Hy Gambe C of Company. No satisfactory proof was furnished as to the actual mannity at cold in this area, and while, under the circumstances, the furnishing of star area to ylear is an practicely impossible, the marked difference in the Hy Grade Cond Company' estimate of this ge per acre in area (a) as compared with area (b), gives rise to grave doubts as to the correctness of the calculation in either case.

The evidence produced by the Hy Grade Coal Company as to the quality of coal in both of these areas as also in the area lying west of this spur, was not such as to justify the opinion that it was equal in value to that found in the main workings of the mine, where the cover and other conditions are more favourable.

On the other hand the evidence offered as to the inferior quality of the coal in these areas was also somewhat vague and unconvincing. In view of all the attendant circumstances and conditions, I am of opinion that instead of basing compensation on the calculations submitted, the amount of damage in regard to area (a) may reasonably and fairly be decided by adopting as a basis the acreage value of coal lands in the Drumheller district.

The figures quoted in evidence in this connection vary widely, such variation being due to differences in the matter of development and consequent convenience or otherwise in operation. The highest figure mentioned by any witnesses was \$400 per acre, but in view of the undoubtedly serious interference with the working of this part of the Hy Grade mine, I do not think that any such valuation could be reasonably applied in this instance, especially when the figures submitted by the Hy Grade Coal Company are accorded that measure of consideration, to which they are, at least in some degree, entitled. I am therefore of opinion that in regard to area (a), comprising as already stated 1.53 acres, a price of \$1,000 per acre, or a total compensation for this land of \$1,530 should be allowed.

In regard to area (b), being the land lying between the spur and the road allowance, and comprising 2.17 acres, the situation is altogether different. It was shown in evidence and not contradicted, that the coal in this area could be mined, the only question left at issue being that of profitable operation. The inconvenience and extra expenditure in working this area was largely if not altogether due to the fact that it was bounded on the east by the road allowance between sections 10 and 11, under which only two entries had been authorized by the Provincial Government. The Newcastle Junior Mining Company was in no way responsible for the existence of the road allowance, which, in fact, was the principal obstacle in the way of the Hy Grade Coal Company extending its workings through to the spur.

I am therefore convinced that even as matters stood at the time of the hearing, the Hy Grade Coal Company was not entitled to compensation on account of any loss of coal which they might suffer in area (b).

Since the hearing, however, the Board has been officially informed by the director of surveys for the province of Alberta that instructions have issued for the closing of the road allowance between sections 10 and 11, action in this regard being merely delayed until a new roadway is surveyed.

Huber the circumstances no damages should in my opinion be allowed the Hy Grade Coal Company on account of the coal in area (b).

The extra operating expenditure involved in mining the coal in the area West of the sour, as shown by the calculations of the engineers of the Hy Grade Coal Company, comprised:—

1. 2.	Extra timbering of two entries under spur Extra engineering required to keep rooms from running under	\$1,075 35	
	Chocking of entries with rock when coal has been removed from	150 00	,
	area west of spur and mining operations completed	1,140 00	,
	Total	\$2,365 35	

Although the point was not specifically raised at the hearing, it is I think quite plain that Engineer Kidd's estimate for timbering the two entries under the spur covers the entire cost and not merely the extra work and material required on account of the construction of the spur. This view of the case possibly explains, at least to some extent, the wide disparity between the estimate of the engineer and that of Mr. Gouge. Even if Mr. Kidd's estimate is on this, and possibly on other grounds, somewhat excessive, consideration must be given to the requirements of safety and the general inconvenience in operation caused to the Hy Grade Coal Company by the construction of the spur. I think, therefore, that the two first-mentioned items should be allowed. The third item, namely \$1,140, for checking the two entries under the spur with rock, when they are no longer required, is also reasonable and should be allowed. In view of the element of safety involved, there should, however, be some assurance on the part of the Hy Grade Coal Company that these monies will be actually expended for the definite purposes for which they are allowed, and for the same reason, it should be the duty of the railway company to satisfy itself on this point.

I am of opinion that the total of the sums as above set forth, namely three thousand, eight hundred and ninety-five dollars and thirty-five cents (\$3.895.25), should be the full amount of compensation to be paid to the Hy Grade Coal Company, Limited. by the Canadian National Railways, under the provisions of section 197 of the Railway Act, 1919, on account of the construction of the spur line of railway for the Newcastle Junior Mining Company, Limited

Re exchange on freight charges in respect of international traffic

Judgment, Chief Commissioner Carvell, January 13, 1921, concurred in by Assistant Chief Commissioner McLean, Deputy Chief Commissioner Nantel, and Commissioners Boyce and Rutherford.

About a year ago, complaints were made to this Board, practically altogether by exporters to the United States, complaining of the fact that they had been prevented by the Canadian railway companies from prepaying the freight through to the point of destination in the United States in Canadian money. A hearing was held at Ottawa on the sixteenth of March, 1920, at which practically all exporters were represented, and there it was stated, and with two exceptions admitted, that, before the rate of exchange between the two countries became abnormal, practically all the commodities exported had gone forward collect. The Board held in its judgment, dated March 27 that, under the Railway Act, a Canadian Railway Company could not be compelled to accept prepayment of freight.

Shortly thereafter, the American railways commenced demanding the prepayment of international freight to Canada, the result being that, with very few exceptions, the freight on all international traffic between the two countries was paid in the United States funds, and thereupon the Canadian importers commenced pressing

for relief, the same as the exporter had previously done.

At first the exporters demanded the right to prepay the whole rate in Canadian funds, which of course would give them an advantage in that they would be able to pay the American end of the haul in Canadian funds, which were then as now worth less than the American dollar. Shortly thereafter, however, the demand from all classes of business men was that the Canadian end of the haul should be paid in Canadian funds, and, to the ordinary business men, this seems absolutely fair and reasonable. However, when considered as a railway proposition, it was vigorously opposed by the Railway Association and all the railway companies on the ground that shippers both ways would naturally forward their goods by that route the longest possible portion of which would be in Canada. In other words, the American

mediate short hauled in practically every international transaction in Canada, exercise and the greater portion of the maritime provinces, and, while the good business from the standpoint of the Canadian railways, yet in the standard and I am convinced correctly argued, that, in a very short time, it would read in complete disruption of the whole international rate structure which has no a laberiously built up during the past thirty-five or forty years.

Horover, on the fist of December last, the railway companies were told that a solution of the first be found for the difficulty, and one which would in the end practically amount to paying the Canadian end of the haul in Canadian funds. On the 606 day of January instant, at a conference with representatives of the railway companies of Canada, a proposal was made which was accepted in principle, but farther time was taken in which to perfect the details, and, finally, on the 11th day of January, a written statement was furnished this Board by the Railway Association of Canada, which was the result of extended negotiations between that body and this Board, reading as follows:—

"EXCHANGE SURCHARGE ON INTERNATIONAL SHIPMENTS, OTHER THAN COAL AND COKE. TO BE ADDED TO THE TOTAL THROUGH CHARGES, INCLUDING ADVANCED CHARGES PAYABLE TO UNITED STATES CARRIERS, WHEN PAYABLE AND COLLECTED IN CANADA."

"1. A surcharge of sixty per cent of the rate of exchange arrived at in accordance with the provisions of this tariff will be added to the total through charges, including advance charges payable to United States carriers, on all shipments between Canada and the United States, in both directions, when such charges are payable and collected in Canada. When all charges are paid at United States points in United States funds this surcharge will not be added.

"2. On shipments from Canada the surcharge must be collected at the rate governing on the date of the bill of lading; and on shipments to Canada at the rate governing on the date of advice note of arrival at the Canadian destination. Such surcharge will accrue entirely to the Canadian carrier.

13. Telegraphic advice will be sent to railway agents in Canada on the last day of each month specifying the surcharge to be collected from the first to the fourteenth (inclusive) of the following month; and on the fourteenth day of each month specifying the surcharge to be collected from the fifteenth to the last day (inclusive) of such month. Agents must file such telegraphic advise with this tariff. The surcharge must be shown as a separate item on all bills of lading and waybills for outbound shipments and on all freight expense bills.

"Exception.—This tariff does not apply to export and import traffic from or to points of origin or destination in the United States via Canadian ports, on which all charges must be collected in United States currency or its equivalent.

Not York funds by the Bank of Montreal at noon in Montreal on the last day of each month will govern from the first to the fourteenth (inclusive) of the following month; similarly, such quotation at noon on the fourteenth will be an from the fifteenth to the last day (inclusive) of such month. So may the governing date fall on a Sunday or Canadian or United States agal holiday, the noon quotation of the preceding day will govern.

"In determining the surcharge, fractions less than one-half will be disregarded and fractions of one-half or over will be counted as one per cent.

"This faiff is effective January 22, 1921. The rate of exchange quoted for No. York fun's by the Bank of Montreal at noon in Montreal on January 21. Homeon from the 22nd to the 31st, inclusive."

This proposal was supported and agreed to by representatives of the following railways: Canadian National, Grand Trunk, Canadian Pacific, Michigan Central, New York Central, Rutland, Toronto, Hamilton and Buffalo, Essex Terminal, Pere Marquette, Delaware and Hudson, and the Railway Association of Canada. It was also accepted by the representative of the Quebec, Montreal and Southern, who, however, protested that the arrangement would be extremely unfair to that road.

We also held conferences with representatives of the important Boards of Trade and trade organizations generally, all of whom considered the scheme the best that had yet been offered, although claiming that certain communities would be more

favourably affected than others.

After considerable discussion, the proposal was agreed to by the Board. The principal discussion between the Board and the railway companies was as to what would be a fair surcharge to be added to the rate which would place the Canadian railway in a position to receive payment of the whole charge in Canadian funds and pay the American share of their American connections in American funds.

This arrangement will also apply to the American roads, who, while not compelled to send their freight forward collect, we are assured will do so because they will hold the Canadian railways responsible to pay them their share in American funds, and arrangements are now being made by the Canadian roads to have these goods forwarded collect, thus giving both the Canadian importer and exporter the right to pay the whole freight rate on international business in Canadian funds.

It is quite evident that the Canadian road which has a short Canadian haul and a long American one is at a disadvantage, whereas the road which possesses a long Canadian haul as compared with the short American one has a distinct advantage in this arrangement, but it was frankly admitted both by the railway companies and the Board that whatever was done must be on the broad principle of averages, and, therefore, some roads as well as communities must be benefited to a greater extent than others.

Without going into details, which I think are unnecessary, we found, after a very careful consideration of the total international traffic carried by the railway companies of Canada, based upon their respective divisions with American connections, that the traffic on the Canadian Pacific would be more nearly divided equally between Canadian and American hauls respectively than any other of the large systems, and their figures showed the American end to be somewhat larger than the Canadian. The Canadian National figures showed a slightly increased Canadian haul on an average over the Canadian Pacific, but the Grand Trunk showed quite a large percentage of the American haul greater than the Canadian. Putting tegether the business of the Canadian National and the Grand Trunk systems, they average practically the same as the Canadian Pacific business. When we come, however, to roads such as the Quebec, Montreal and Southern and the Toronto, Hamilton and Buffalo, there we find that from two-thirds to three-quarters of their international business is on the United States end, and the Toronto, Hamilton and Buffalo showing about 72 per cent, and, of course, as they will only receive a surcharge of 60 per cent, they will lose to quite an extent on all international traffic. However, as before stated, I have concluded that the principle of average is the only feasible method under present conditions by which this difficult problem can be solved at the present time, and, therefore, think that a surcharge of 60 per cent of the total rate of exchange is the figure which will on an average place the Canadian roads in a position to pay the American connections in American funds and yet leave them Canadian funds for their own portion of the haul.

It will be observed that this arrangement does not apply to the rate on coke and coal, the reason being that these commodities move practically altogether on local rates breaking at the border, and, as the Canadian importers have since May last been allowed to pay the Canadian end of this business in Canadian funds, no change is necessary.

Neither dees it apply to export and import traffic from or to points of origin or destination in the United States via Canadian ports, which still must be paid in United States currency, because, were this allowed to be paid in Canadian funds, it would practically mean that goods originating in the United States, exported through Canadian ports, would pay a less freight rate than if exported from American ports. This would be discriminatory as against the American railroads and would break up parity of export rates between Canadian and United States ports now in existence. This, in my judgment, would be a positive disadvantage to the business of the country as a whole.

It was contended by some interests at our conferences that the rate of exchange should be fixed weekly rather than fortnightly, but there again it is a question of average. The railways may have a slight advantage over one set of circumstances and the reverse may be the case under others; but, if it is found in working out the scheme that injustice results on account of the fortnightly arrangements, the Board

reserves to itself the right to change it any time it may think proper.

While these arrangements are not perfect, yet, in my opinion, it is the best solution of the problem so far advanced by any person, and I feel sure it will grant

a great measure of relief to the business interests of Canada.

The companies will be required to make monthly returns to this Board showing the amount of surcharge collected, and, if it is found that any change is necessary, either as to dates of arranging the same or the percentage upon which the whole scheme is based, the Board will make whatever corrections may to them seem necessary.

An order should, therefore, issue in the terms of the above proposal, the railway companies to have the privilege of filing the same as a tariff, effective on the 22nd

day of January instant.

#### CITY OF ST. THOMAS v. M.C.R.R. CO., re SUBWAY

Judgment, Assistant Chief Commissioner McLean, January 24, 1921, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Commissioners Boyce and Rutherford.

The above application was heard at St. Thomas before the late Commissioner Goodeve and myself. The matter had been considered, but a concluded opinion had not been arrived at at the time of his death. I am, therefore, presenting the matter than 11 to 11 to 11 to 12 to 12 to 12 to 12 to 13 to 14 to 15 to 16 to 17 to 18 to 1

The application is made by the city of St. Thomas for an order directing the Michigan Central Railway Company to provide a subway or other means for its employees to cross the tracks of the said company between Talbot street and the shops and roundhouse of the company in getting to and returning from their work. In the application the reasons are set out as follows:—

"Application is hereby made to the Board by the Corporation of the city of St. Thomas for an order directing the Michigan Central Railroad Company to construct and provide a subway or other means for its employees to cross the tracks of the said company, between Talbot street and the shops and roundhouse of the company in the city of St. Thomas, in going to and returning from their work.

"The grounds for the making of this application are that large numbers of the employees of the company are daily compelled in going to and returning from their work at the shops and roundhouse of the company, to cross both main line tracks as well as several sidings used for the moving of trains and for switching purposes, and in doing so they are in danger of losing their lives

or of sustaining bodily injury. The lands of the said company referred to in this application lie south of Talbot street and between Ross street and First avenue, a distance of about 3,400 feet, and there is no street or highway or other means of crossing such tracks between Ross street and First avenue, as the lands of the said company between the above points are occupied by the main line tracks, sidings, shops and roundhouse of the company, and large numbers of such employees live north of Talbot street, and the shops and roundhouse are south of the tracks."

Counsel for the city set out that the matter had been brought to the attention of the City Council from time to time by the employees of the Michigan Central.

About one-third of the city from east to west between First avenue and Ross street is occupied by the tracks, yards or shops of the Michigan Central. These streets are some 3,380 feet apart. The yards of the Michigan Central are bounded on the north by Talbot street, on the east by First avenue, on the south by Wellington street and Jonas street and on the west by Ross street. There are subway crossings on First avenue and Ross street, but there are no crossings between. It is stated that a large number of the employees of the railway live on the north side of Talbot street, north of the Michigan Central, and also the eastern part of the city. It is contended that the men, to get to the shops and roundhouse, have to make their way across the tracks and over and through trains. From the north side, those having to get to the shops or roundhouse, may go either east around by First avenue or west by Ross street, then three blocks down to Wellington street and then back. It is stated by counsel for the city of St. Thomas that this involves a detour of about a mile.

In regard to the time and distance elements the submission of the railway was that there were three ways by which the men could cross the tracks in complete security in reasonable time, viz: (a) by going south from Talbot street on Ross street, under the subway constructed in 1908 to Jonas street, then east on Jonas street to the railway's property and thence by pathway across the railway's property to the shops. According to the evidence of Mr. E. R. Webb, this pathway is between tracks in a part of the yard not used for the making up of trains, but for repair work. The distance by this route from the corner of Ross and Talbot streets to the shops is given at 2,387 feet, and it is estimated that this could be walked in seven minutes. (b) By going the same route as in (a) but keeping to highways the whole way, by going south on Ross street to Wellington street, then east on Wellington street to the shops; this route being longer by 564 feet. The distance is given as 2,954 feet, and the time taken to walk it is placed at 87 minutes. (c) By proceeding east on Wellington street to First avenue via First avenue to Talbot street, distance 3,369 feet; the time is given at 112 minutes.

Under cross-examination. Mr. Donohue, Division Superintendent of the railway, stated that the men were forbidden to cross the yards, but that notwithstanding this shey did cross at the lower end of the yard, instead of going through the Ross treet subway, and then came up around the passenger trains and crossed through vest of the yard. He stated that from Jonas street, which runs east from Ross treet, there is a path alongside the tracks leading to the shops. He stated that in rder to get to the roundhouse in coming from Jonas street the men would have to ross the tracks up by the shops, and not in the yard where the trains are moving bout. Similar evidence was given by Mr. E. R. Webb, Division Master Mechanic.

While application was made for a subway, intimation was given by applicant at the hearing that an overhead bridge would be satisfactory. The application as unched deals with the situation affecting men coming from north of Talbot street, here is, as stated by counsel for the applicant at the hearing, very little difficulty at the south end of the yards.

The influent submitted a statement setting out the distribution of their employees according to the location of their residences, which, as analysed, showed 35 per cent of them living north of Talbot street. The statement is as follows:—

The considering what employees would use the pedestrian subway if constrained, the deciciles of the employees must be considered. It should also become in bound that there is a subway at the extreme east of the yard like the contract of the subway at the extreme west (Ross street). It is obvious, the face, the all employees living north of the station yards, and who live year of Ross street or east of First avenue are just as close to their work by using the subways on these streets as they would be by using the proposed to destrain subway. Evidence was given by division master mechanic, E. R. Webb, and statements filed showing the total number of men employed, and substitute it is by showing those living north and those living south of the tracks. This statement shows:—

RS. THIS STATEMENT OF	North	South	Total
Car shop  Locomotive shop  Store house  Building department	57 224 22 3	. 126 426 19 3	183 650 41 6
Durang orpor	306	574	880

"From this you will see that there are about 880 men employed and of

this number 306, or 35 per cent, live north of the railroad.

"Of the three hundred and six men (306) living north of the tracks, one hundred and ninety-six (196) live north of Talbot street, between Flora (extension of Ross street) and First avenue. These would be closer their work by a few minutes if proposed subway be built. The balance, ninety-eight (98), live west of Ross street, and the route to their work is just as short via Ross street subway as by suggested subway. Six (6) of the men get to their homes via Accountable and their work is 136 for west of First avenue. These men are approximately as close to their work via First avenue subway as by the proposed subway. Adding forty-three (43) locomotive engineers and firemen, the proposed subway would benefit a total of two hundred and thirty-nine (239) men."

position by the railway, as developed, was that the matter of added convenience as a result of the construction asked for was insufficient to give jurisdiction; that there must be a question of safety involved as well. The only case in which this point matter of requiring improved conditions in the matter of employees going to and from the matter of employees going to an employee goin

In the Winnipeg case the question of jurisdiction was queried by Mr. Curle for the railway in the following language:—

"If an application of this kind is cognizable by the Board, which we submit in a graph of the pay all deference to any suggestions the Board would make about it; but it can only be in reference to the question of afety. I take it the Board will not take cognizance of any question of convenience to employees getting to the roundhouse."

the matter of the Commissioner Maybee asked: "Why does not it on a man of the Railway Act, which reads: The Board of the Railway Act, which reads: The Board of the matters and regulations with respect to the rolling stock, apparatus, cattle and apparatus of the commission of the co

the railway so as to provide means for the due protection of property, the employees of the railway company, and the public?" This provision is set out in subsection (g) of section 287 of the Railway Act of 1919, which reads:-

"(g) with respect to the rolling stock, apparatus, cattle guards, appliances, signals, methods, devices, structures and works, including light, heat and power lines or wires, to be used upon the railway, so as to provide means for the due protection of property, the employees of the company, and the public and all persons travelling on His Majesty's service."

The scope differs somewhat, this being indicated by the portions italicized; but it will be noted that the provision as to the safety of the employees is the same. Counsel for the Canadian Pacific Railway in the Winnipeg case admitted that the section quoted by Chief Commissioner Maybee was, if there was any jurisdiction, the one applicable, and the contention that there was jurisdiction was upheld by the Chief Commissioner.

The question of safety, in respect to the justification for intervention by the Board, was referred to at various points, in the Winnipeg case. The Chief Commissioner said, at p. 3425; "These people cannot go back and forward to their work without some safe means of doing so." At pp. 3428 and 3429 the following language was used by him: "You cannot extend that at the expense of the safety of the people who have to get to and from the roundhouse. They have to have a mode of getting in and out without subjecting themselves to the dangers they have suffered in the past. It is a marvel that there have not been dozens killed already."

While counsel for the applicant in the present case adduced, as has been indicated, material bearing on the element of convenience, he frankly recognised danger as the main question, saying in this connection, the most important point is in the

danger."

It was alleged that at one time a crossing had been maintained by the Michigan Central, south over its tracks from Talbot street to the shops, and it is stated that "of late years that has been abandoned and the men have been compelled to make their way as best they could across the tracks, and over and through trains." railway's rejoinder regarding the status of this crossing, as set out in written answer on file is :-

"Mr. Doherty in his argument stated that there had at one time existed a surface crossing at or near the point where the subway is asked for. Such a crossing did exist prior to 1908, when the construction of the Ross street subway was ordered. It was, however, a private crossing used for the purpose of getting material across the yard from the company's freight sheds to the shops, and as an emergency crossing to be used in the event of fire at the shops, and it was never open to the public and was strictly a private one, and the employees were forbidden to use it. This was removed when the Ross subway was built in 1908."

Statements have been filed by both parties concerning the number of accidents which have taken place. It is contended by the railway that on any tabulation of accidents the figures should run from 1908 when the Ross street subway was opened. From the evidence in the application for a subway at Ross street (hearing of October 14, 1904, Evid., Vol. 11), it appears that at the date of the application there were gates on Ross street, and that on account of the volume of shunting the gates were down so much as to impede travel over this crossing.

That there is travel across the tracks south of Talbot street is admitted. That accidents have taken place is unfortunately true. The figures of accidents submitted by counsel for the applicant show some eight accidents which have taken place in the

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last twenty-five years. It is stated this is a partial list. The railway sets out from its analysis that four of these accidents occurred while the men were on duty in the parts are sing to their work; that in two cases there were accidents as a result of crawling between cars; in one instance an accident from a man jumping from an engine in freight shed in front of an engine backing up in the opposite direction, and one case they were unable to check. The list of accidents which the railway submits as happening from 1908 covers four cases, three of which are attributable to crossing the yards from Talbot street.

While questions of convenience in point of time taken in coming to and going from the shops and roundhouse were introduced, it is admitted that this is not the factor on which the Board can decide. Much as accidents are to be deplored, the accidents in question are not the determining factor. The question is the If those employed in the shops and roundhouses create a dangerous situation for themselves by crossing the tracks of the company instead of taking an available detour involving some extra time, this does not of itself create a situation where the Board has power to intervene under the Railway Act. The sole question the Board can deal with is-is there an unsafe condition which the men are compelled to face? Are they compelled to cross the yards south from Talbot street? It was so asserted. The Board was asked to so infer from the details furnished as to accidents. evidence was adduced to show that men living north of Talbot street were compelled to cross the tracks. No evidence was presented by men actually working in the yards showing the alleged necessity of their crossing the tracks, or setting out the unescapable dangers of the existing situation, or showing why the detours suggested were not feasible and reasonable.

On the present record the application has not been justified.

SILVER STANDARD MINING COMPANY OF NEW HAZELTON, B.C., v. G.T.P.R. re OVERCHARGE ON SHIPMENT ZINC CONCENTRATES

Judgment, Chief Commissioner Carvell, January 26, 1921, concurred in by the Assistant Chief Commissioner.

At the hearing of this case in Edmonton, in November, 1919, I was very much impressed with the justice of the application. It seems that nine cars of ore were shipped from New Hazelton, B.C., by the Grand Trunk Pacific to Oklahoma, and the complainant was informed by the agent at New Hazelton, and this was continued by the Bereiral Bringer Rupert, that the rate of \$17.60 a ton should apply in cases where the shipper released any value in addition to \$50 per ton, and where the commodity was worth more than \$50 a higher rate prevailed. The nine cars of ore turned out to be worth about \$70 per ton, and the rate charged and collined by the perminal entries in Oklahoma amounted to \$4,000 more than the shipper had been led to believe the rate would be.

At the hearing, I took the ground very strongly that the railway company had more as intract and should stand by it, but was discussing it always from the stand-rain that the shinping documents carried a notation that the ore was worth only should merbularly by the Assistant Chief Commissioner at p. 12389 of the Board's Notes of Hearing, as follows:—

THE ASSISTANT CHIEF COMMISSIONER: All your shipping documents carry a notation that the concentrates moved on a released valuation of \$50.

"Mr. Newell: Yes. They released down to \$50 the same as they did with

Again, at p. 12390:-

"THE ASSISTANT CHIEF COMMISSIONER: But the whole liability is limited to \$50, no matter what happens.

"Mr. Rosevear: In some cases on the bill of lading the words 'value \$50 per ton' were placed; in others, released value of \$50 per ton. But the terminal carrier claimed that the result of the analysis after the metals were extracted should be the basis."

It now turns out that on five of the way-bills the notation had been put on, and on these five the terminal carrier has refunded the money to the Grand Trunk Pacific, who have been able to settle with the complainant; but on the other four, no doubt by mistake, the notation does not appear. I am, therefore, of the opinion that the omission of the valuation on the bills of lading for the four carloads still in dispute, inadvertently though it might have been, seems to me to have made the shipper liable for such higher rates legally chargeable, as the result of assay at the Sand Springs smelter showed values above \$50 per ton.

## In re Express Tolls

Judgment. Assistant Chief Commissioner McLean, February 2, 1921, concurred in by Commissioner Boyce.

It has been urged that the rate basis of one and a half times the standard freight rate for transportation service, plus sixty cents per hundred pounds set out in the Express Rate Judgment of 1919, was simply in so far as the one and and a half times the standard freight rate was concerned, a finding on particular facts and not a setting out of a continuing basis.

I do not so understand the judgment; I read it as laying down a continuing basis. unless and until a change of conditions such as is not before us at present, has developed.

In the course of the hearing in the present case, the Chief Commissioner intimated that whatever action was taken would be temporary in its nature; as a result of the basis of one and a half times the standard freight rate, a change in the freight rate up or down affects this factor of the rate.

As a result of freight rate conditions, the increases allowed on freight rates enter into the railway transportation factor of the express rate above set forth. When the freight rate decreases, the decrease, of necessity, reduced the railway transportation factor.

The non-cartage differential was introduced as an attempt to equalize, in terms of charge, in so far as possible, conditions at a point where a cartage service was not performed with conditions at a point where such service was performed. It was pointed out in the Express Judgment of 1919 that the distinction made would have to be an arbitrary one. It was set out that cartage costs vary, the cost per shipment at Toronto being referred to as amounting to some fourteen cents on the average. The judgment continued;-

"My first idea was to make an arbitrary reduction from the rates of fifteen cents per shipment, where but one wagon service was performed and of thirty cents where no wagon service was performed. This, however, would be entirely unworkable. It would mean taking the first eastern block with a per one hundred pound rate of 80 cents, that between any two points where no wagon service was maintained, shipments up to four pounds in weight would be carried without any remuneration whatever, as the thirty cent minimum is reached with the four-pound lot. Under the same scale, if this plan were adopted, shipments up to fourteen pounds between such points would be

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carried for the ridiculous remuneration of five cents. A shipment of forty pounds would return but twenty cents. The proper relationship to the freight charge would be destroyed."

All in a single imposition to deduct from each shipment the average an are c. t. what the diam's and the from the head line rate, an assumed average The way are a control down into the graduate tables as indicated in the company committee and the leading of 1919 and the reasons for Judgment of the Chief Commissioner in the present application.

As indicated, the intention was to aid to the limited extent possible in an the mean the im a claim a point where extend was not performed. it was the intention that this double entire to the advantage of the consignor or the consignce, or both, according as there was or was not cartage service, either at the

The question of importance is, how has it worked out? On the return, the details of which are set out in the reasons for judgment of the Chief Commissioner, it appears, that it has affected a considerable decrease in express revenues. That was to be a purel. Run if further appears that to a very large extent it has simply been in a sel discibution case, which various firms as an incident of their businesses had relationing assured. That is to say, the price as quoted by the firm carried the shipment to the consignee without any payment of express charges to him. The shipper, having antecedent to the introduction of the non-cartage differential, voluntarily assumed this burden as one of the incidents of the cost of carrying on his business was in the position, after this differential was established, of being able to reduce his distributive costs by the amount which the express company had to

It would appear that while the revenue of the express company was being reduced the general consumer was not obtaining the advantage which had been anticipated. I participated in the decision establishing the non-cartage differential. I am forced, after careful consideration, to conclude that the Board would not be justified in directing its continuance.

In the application dealt with in 1919 the express companies desired to eliminate commodity rates except on a carload basis. This would have resulted in exceedingly heavy increases. The judgment of the Board used the following language:-

"I would dismiss the companies' application in so far as the commodity rates are concerned, entirely, subject to the right of the companies should it be found impossible for them to make both ends meet, to renew the

The application now before the Board as to commodity and other rates is for and the real concern in the case of commodity rates much less than was involved in the application of 1919. I agree in the distribution of rates as set out in the reasons for judgment by the Chief Commissioner. It takes into consideration differences in the ability of the articles concerned to bear the increase, dm' aim homored airs on or is some highly valued articles; and in so doing it The following, as far as is describe, on articles of food. At the same time, it and the summary of the man liest and second class which was a matter

It may be noted that what was proposed in regard to the increase of commodity rates in 1919, as above referred to, amounted in various instances to an increase

The computations as to cost of carriage on the basis of 34.7 cents per express car mile are all out in the seasons for judgment by the Chief Commissioner. If the " thresh little a 100m, as referred to in the foregoing reasons, as being the figure as advanced by Mr. Geary as showing actual cost per car mile, then the result

on the mileage from Mulgrave to Montreal is as followes; Express car mile cost, \$272.51; freight charges on a basis of 30,000 pounds, \$180. That is to say on a 50 per cent basis, the express company would receive \$136 as against a freight charge of \$180.

In the decision of the Board in the application of the Edmonton, Dunvegan and British Columbia Railway, the Board on September S, 1920, used the following language:-

"The weighty responsibilities imposed upon the Board by Parliament compel the conclusion that rates inadequately remunerative are not only detrimental to the railway concerned, but in a wider and more important phase are detrimental to the public served by the railway, because if the rates be not adequately remunerative for the service the efficiency will tend to deteriorate. and there will be progressive difficulty in obtaining those adequate facilities which are essential if traffic is to move."

The foregoing comment is pertinent here. It must also be recognized that within the limits of the Board's powers, as set out in the Railway Act, the only source whence adequacy of remuneration may be obtained is by payment from those using the service.

I agree in the conclusions and rate adjustments provided for in the reasons for judgment of the Chief Commissioner.

Re RATES ON FREIGHT GOING IN AND OUT OF SIMCOE, ONT.

Judgment. Commissioner Boyce. February 5, 1921. concurred in by the Assistant Chief Commissioner.

This application was heard before the late Mr. Commissioner Goodeve and myself at the sittings in Hamilton, and judgment was reserved. Shortly thereafter, and before the necessary enquiries could be made for the purposes of the judgment, my colleague was called by death.

The Chief Traffic Officer of the Board has made an exhaustive examination into all the questions raised, and his report thereupon deals with and disposes of

all matters in controversy in this case.

I would adopt the report of Mr. Hardwell, the Chief Traffic Officer, attached hereto, as the judgment of the Board, and in accordance with his findings and conclusions so adopted as the judgment of this Board, order should go dismissing the complaint.

BOARD OF RAILWAY COMMISSIONERS FOR CANADA—TRAFFIC DEPARTMENT, OTTAWA, January 28, 1921.

TD 13940

TOWN OF SIMCOE, ONT .- "TOWN" TARIFFS.

File 29982

Heard at Hamilton, October 7, 1920.

## REPORT OF CHIEF TRAFFIC OFFICER

This is an application that the town of Simcoe be given the benefit of the so-called "town" tariff class rates scale, lower, as a whole, than the standard tariff; that is to say, the Ontario distributing scale referred to in the Order of the Board No. 3258, July 6, 1907 (International and Toronto Board of Trade Rates Case), as Schedule "A," which, subject to the various horizontal increases since granted, is still in force.

That order did not add to or subtract from the list of distributing points then existent; it only remodelled the rate schedule itself so as to remove anomalies com-

plained against.

It is true that other centres have since been given special class tariffs from time to time, but while "special," these are not on the "town" tariff or Schedule "A" basis. For illustration, take Parry Sound, one of these added centres. Toronto is one of the originals, and as Schedule "A" operates in both directions the rates from Toronto to Parry Sound are applied reversely from Parry Sound to Toronto as the starting point for the new tariff, and between Parry Sound and the intermediate stations the rates are proportionately scaled downward without regard to Schedule "A." In other words, without knowing the precise basis, if there really is one, these new tariffs may be regarded as a compromise between Schedule "A" and the Standard Maximum Tariff.

The following are the Schedule "A" distributing points west of and including

Toronto:-

Ingersoll, St. Catharines, Aurora, St. Marys, Kitchener, Barrie, St. Thomas, \*London, \*Brantford, \*Sarnia. Meaford, Bridgeburg, Stratford, Merritton, Chatham Thorold, Midland, Collingwood, \*Toronto terminal group, Newmarket, Depot Harbour, Walkerville. Niagara Falls, Doon Waterloo, Orillia, Dundas, Owen Sound, Welland, Elora. Wiarton, Fergus \*Paris, Windsor, \*Galt. Petrolia. \*Guelph, Point Edward, Wingham, Port Dalhousie. "Hamilton, Woodstock. Hespeler, Preston,

There can be no question that these so-called "town" tariffs discriminate in favour of the centres which have them, and without a doubt they govern by far the greater bulk of the higher classes of freight moving within Ontario. They had their origin in the competition between the Grand Trunk and the Great Western of former days. So far back as 1874 the only places common to the Grand Trunk and Great Western which were favoured with special distributing tariffs were those I have marked with an asterisk in the above list.

The strength of the Grand Trunk's objection to the application lies in the fact or so it seems to me-that the real "town" tariff points are the same now as they were at the time of the International Rates Case, and it may be assumed with some certainty that an addition now of Simcoe, or any other place having at least equal

claim, would open the door to other similar applications.

Dominion Canners have a plant at Delhi. Given the "town" scale at Simcoe, a later application to include Delhi might not illogically be expected. Mr. Watson stated that Tillsonburg gave his company a greater tonnage than Simcoe. Tillsonburg is not a "town" tariff point, but the lower basis could not well be denied if it were given

Since These places are in the same Grand Trunk section as Sincoe.

The discrimination might, of course, be rectified by abolishing the "town" tariffs, as such, in favour of a uniform class tariff everywhere within each territory of the various scales. There might be three ways of doing this: by raising the distributing scale to the level of the Standard, a step which would undoubtedly be strenuously opposed by the manufacturing and jobbing interests; or by making the distributing scale the Standard, thus reducing what is now the Standard; or by a compromise butween the two. Clearly, however, a system that in a lesser degree has been established for over half a century would demand very careful consideration.

It should be understood that the application of the town of Simcoe is by no means so far reaching of itself as might appear on its face. In the first place, the "town" tariff and the Standard are identical up to 35 miles. Secondly, to and from all points east of Toronto, Simcoe is already on the same footing as all other points west of Toronto under the grouping system outlined in the International Rates Case. This was admitted by applicants. Further, since the rates of the "town" tariffs apply in both directions, that is to say, to as well as from the distributing centres, it follows that Simcoe has the advantage of those rates to all the points west of and including Toronto enumerated in the list given above; also, under the long and short haul principle, to directly intermediate stations not in the list until the standard rates thereto become the lower. For example: the 1st class rate from Simcoe to Barrie, which has a "town" tariff, is 66 cents. The three next intermediate points are Thornton, Cookstown, and Beeton, which are not "town" tariff points. The standard rate to Beeton is 70 cents, and to Cookstown and Thornton 731 cents, but they get the benefit of the 66-cent Barrie rate.

The tariff is plain on this point, reading as follows:-

"Rates to and from Intermediate Points: Shipments between points on the G.T.R. System . . . not specified herein will be charged standard mileage rates . . . subject to rates shown (herein) as maxima between stations directly intermediate."

Mr. Caldwell's exhibit No. 2 gives other examples. Thus, the standard 1st class rate from Simcoe to Forest is 731 cents (distance 113 miles, not 110 as stated), but the actual rate is that of the Sarnia "town" tariff, viz., 63 cents. The standard rate to Belle River is 771 cents, but the rate that would, or should, be paid is that to Windsor, viz., 70 cents.

The only additional advantage that Simcoe would secure, if its application were granted, would be the substitution of the "town" scale for the standard tariff to and from other points west of Toronto over 35 miles distant which do not fall within this arrangement.

It is my opinion that on the eve of a general inquiry into the entire rate structure of the Dominion the time is not favourable for the introduction of any complications by interference with an arrangement that has obtained for so many years.

Respectfully submitted,

J. HARDWELL, Chief Traffic Officer.

Re equipment of railways with hart type of wooden packing for frogs, wing rails, GUARD RAILS, AND SWITCHES

Judgment, Chief Commissioner Carvell, February 15, 1921, concurred in by Commissioner Rutherford.

So far as I can learn, this case originated by a letter from Mr. Frank Lee to the Chief Engineer of this Board, dated the 2nd day of April, 1919, suggesting that the use of the "Hart Blocking" at frogs and guard rails be made permissive.

Considerable correspondence took place and interviews between the Chief Engineer and representatives of railway men interested, and finally it was thought advis-

able that a public hearing be held at which all parties could be heard.

This took place in Ottawa on the 1st day of February instant, at which the Canadian Pacific Railway Company, the New York Central Railroad Company, the Canadian National Railways, and the Michigan Central Railroad Company were

It was admitted by all parties and strongly asserted by our own technical officials represented as well as the Brotherhood of Locomotive Firemen and Enginemen. that the Hart type of packing for frogs would be an advantage in many cases over that at present in use, and, therefore, while I do not feel we should make it compulsory, I think its use should be approved by this Board upon all railways under our control.

 $R_{\mathcal{C}}$  hate on liquors and supplement 15 to canadian freight classification no. 16

Judgment, Chief Commissioner Carvell, February 16, 1921, concurred in by Commissioners Boyce and Rutherford

In the month of May last, the Canadian Freight Association filed Supplement No. 10 to the following Freight Classification No. 16, the substance being that the rate on limiters in hell quantities should be increased to double first-class, and in car-load lots to third class.

According to the file, conferences were held with interested parties in different raised particularly by certain persons interested in the Ontario native wines industry and the proposal that shipments should be carried at owner's risk of breakage was also objected to. With these exceptions, no objections were made excepting by the Board of License Commissioners for Ontario, who protested not only on their own behalf but on behalf of the province of Alberta.

The case was heard at Ottawa on the 21st of December last, and at the hearing state of its were made by the Canadian Freight Association and representatives of the timed Trank, Canadian P. tire and Canadian National Railways, all alleging that the loss by pilfering and the cost of protecting the goods in transit amounted in the case of the C. N. R. to more than the total freight received.

Mr. Birmingham, who appeared for the License Commissioners of Ontario, admitted that at one time during negotiations, upon certain conditions, he had agreed to the increased classification, but claimed that was before the increase granted by order of the Board No. 308, and now contended that the increase of 40 per cent up to the end of December and 35 per cent thereafter should be sufficient to compensate the companies for any loss.

With this contention I am unable to agree. The increases granted by Order No. 308 were intended to give to the railway companies just and reasonable rates for carrying on the general business of the country, and, if an abnormal condition has arisen entailing special loss and damage in the carrying of any special commodity, then the general increase granted was not intended to take care of such an abnormal condition. It, therefore, becomes very largely a question of fact.

Mr. Jackson, for the Canadian Pacific Railway Company, stated that, for the million of the control of the last in National, Grand Trunk, and Canadian Pacific alone amounted 12.00, and the additional expense in policing the traffic was \$123,000, making a total loss for that railway of \$250,000, which he stated to be 16 per cent of their total for the liquid particular to show how much liquor had been handled during the past year, and, therefore, did not know what the revenue from this particular commodity had been.

The Grand Trunk Railway Company alleged that their damage was equally go it. Mr. Bordar stated that since the middle of 1920, the cost of increasing their middle of 1920, the cost of increasing the evidence railway as to losses and increase in pilfering, even with the board of the mine by the Canadian Pacific Railway Company showing the claims middle of 1920, the mine by the Calams amount to more than the total freight earnings, it is middle of 1920, the cost of increasing their middle of 1920, the cost of increasing the claims filed would average more than in some mass, the claims amount to more than the total freight earnings. It is impossible to account for such a continuous of 1921, without doubt, it exists, notwithstanding the efforts being put forward by the railway companies to counteract it.

As the liquor business will in the future be handled very largely by the provinces, some of whom are already making very handsome profits out of the business and the remainder of whom probably expect to do so, I am of the opinion that some further protection can be given the transportation companies without increasing the cost to the consumer and yet leave a very handsome profit to the public bodies who are handling the traffic.

For these reasons, I think the application should be granted, with the reservation. however, that there shall be no increase on native Ontario wines and owner's risk

of breakages shall be eliminated.

### VALUATION OF SETTLERS' LIVE STOCK

Judgment. Commissioner Rutherford, March 5, 1921, concurred in by Chief Commissioner and Deputy Chief Commissioner.

This case was heard at Calgary, Alberta, on October 20, 1920, before the Chief Commissioner and the Deputy Chief Commissioner, judgment being reserved.

Having gone very carefully into the questions raised and the evidence adduced at the hearing, I am of opinion that the report of the Chief Traffic Officer, attached hereto, should be adopted as the judgment of the Board, and that order should go in accordance therewith.

November 18, 1920.

TD-9153.1

COMPLAINT OF THE CALGARY LIVE STOCK EXCHANGE

File 28233.8

Valuation of Settlers' Live Stock

Heard at Calgary, October 20, 1920.

### REPORT OF CHIEF TRAFFIC OFFICER

This is a complaint that the carriers operating on the western prairies, in connection with the movement of settlers' effects, in carloads, containing live stock, still limit their liability for the animals to the valuations of the old live stock contract. and application is made for the increased valuations of the present contract as approved by the Board's General Order 298, June 2, 1920.

The contract valuations have been twice increased by the Board, the previous advance having been required by the Board's judgment dated July 31, 1914, made

effective January 2, 1915.

The three sets of values follow:--

	Old .	1915	1920
Horses	\$100	\$200	\$200
MulesColts	100	100	200
Colts. Cattle	100 50	100	100
Augs	10	.80	150 40
Sheep, calves	10	10	20

Settlers' effects, in carloads, including not more than 10 head of live stock, when the shipper signs the carrier's release limiting the value per package of the goods, are classified 6th class in the approved Canadian Freight Classification, and this item of the Classification still retains the old valuations.

The effects of immigrants from the United States are not, however, charged the 6th class rates; they are carried under a special tariff from the border gateways. The rates of this original tariff, subject to a minimum charge of \$10 per car, approximated only 25 per cent of the 6th class rates of the standard mileage tariff in effect prior

to the indement of the Board in the so-called Western Rates Case issued in April, 1914. The companies did not take advantage of the Board's permissive order in the Liquer conf. case to discrease these rates, but did comply with the requirements of Order in Connell P.C. 1866, and have further increased them 35 per cent as permitted by the Board's General Order No. 308 of September 9 last.

The tariffs require a live stock contract to be executed, in addition to the bill of 'addire for the goods, when the car contains live stock, and the valuations printed in the contract to be altered to correspond with those of the classification as shown above in the "Old" column. The case turns on whether this tariff requirement ought

to be cancelled and the valuations of the live stock, contract substituted.

There can be no question that these low special rates from the various ports of entry have been of great assistance in the development of the western country, as they were intended to be. The question is whether they reasonably entitle the railway companies to restrict their liability to a greater extent than if they charged the ordinary tariff rates. The right of the carrier to impose reasonable lawful provisions as some measure of compensation when reduced rates are granted, such as, for example, a greater minimum carload weight than that of the classification as applied to the regular tariff cate on certain commodities. If the western carriers were required to increase their responsibility in connection with the carriage of settlers' effects with live stock, they might not unreasonably, in my estimation, expect an increased rate for the carriage.

The question of similar shipments moving, not from the ports of entry, but between points both in Canada was also brought up. Mr. Reid admitted that the reason for the special rates on incoming shipments from the States, namely, the attraction of new settlers, did not apply in the case of merely migratory-movements within Canada; and he mentioned that it was solely in view of encouraging immigration that he specks

This particular local traffic has also received special consideration by the railways, and although the rates do not scale so low as those previously referred to, I would apply the same argument. Taking for illustration, the 250 mile rates of the C.P.R. exhibit, the comparison is as follows:—

Horses,	straight carl	oads	 	 	401	cents	per	100	pounds
C = (11)	smallett con	berids			3.7	* *	1.1	100	**
Effects	and stock, loc	al	 	 	29	6.6	6.6	100	4.4
Effects	and stock, ex	. U.S.,,	 	 	131	6.6	4.6	100	4.6

There is this point, however, that the shipper of a mixed carload of effects and stock would get no further protection if he were willing to pay the full 6th class rate under the classification, instead of the special 29 cent rate, because, as previously mentioned, the classification of settlers' effects still carries the old valuations. The standard 6th class rate for 250 miles is 49½ cents.

The 6th class rates are higher than the live stock rates both in the east and the west. I therefore consider that the live stock valuations in the classification of and bullers' effects ought to be brought up to the level of those of the live stock contract, and particularly so in view of Mr. Kirkpatrick's remark at the fixe of the hearing that there had been some discussion looking to the abolition of the special rates for the local movements.

Respectfully submitted,

J. HARDWELL,

Chief Traffic Officer.

 $\it Re$  interpretation of sections 306 and 307 of the railway act, 1919. Steam and ELECTRIC RAILWAY CROSSINGS

Judgment, Commissioner Boyce. March 7, 1921, concurred in by the Chief Commissioner, Assistant Chief Commissioner, and Commissioner Rutherford.

The question involved arose originally from the following enquiry, addressed by the Chief Operating Officer of the Board, March 8, 1919, to Mr. C. G. Bowker, General Superintendent of the Grand Trunk Railway Company:-

"Referring to our discussion of Thursday last, re Brantford; I forgot to enquire as to why your trains approaching the electric line crossing at Colborne Street and at Market street do not come to a stop before crossing, as required by section 278 of the Act, to which I would direct your attention."

Which was answered as follows:-

"Replying to yours of March 8. Our trains do not stop at points where they cross electric lines. It has never been understood that section 278 of the Act requires steam lines to stop at electric line crossings. If, however, that is the interpretation placed on it, we are going to have a fine time getting passenger trains through some of our large cities, such as Montreal and London, where we have a number of electric line crossings."

The section (278) is in the old Act. The corresponding section in the Consolidated Railway Act of 1919 is 307. Section 306 (formerly section 277) is also involved in the consideration of the questions raised.

The enquiry was carried to the Canadian Railway War Board by the follow-

ing query, by the Chief Operating Officer of this Board, on May 6, 1919:-

"How do you interpret section 278 (now 307) of the Railway Act? Should the steam railway train stop before cossing the electric line at a noninterlocked crossing?"

to which the Railway War Board replied, August 14, 1919:-

"It is the view of the War Board that in the circumstances described, the steam railway train should stop before passing over the electric line at non-interlocked crossing.

A further enquiry by the Chief Operating Officer of the Board, under date September 4, 1919, addressed to the Canadian Railway War Board, as to whether the War Board has taken any action with the railways to give effect to its interpretation of section 278 (section 307 of the 1919 Act) requiring a steam railway train to stop before passing over an electric line at a non-interlocked crossing, brought the following equivocal and apparently contradictory reply; which, coming from the War Board, (now the Canadian Railway Association) raised an important question upon a matter directly connected with the efficient administration of the provisions of the Railway Act, respecting public safety:-

"It is our view that no special action of this Board is necessary to give effect to this regulation. We understand, however, that there is a question as to the intent of the Act as regards application of the rule in the case of noninterlocked crossings of a steam railway with a street car line or tramway. It is the view of our General Operating Committee that this is not the intent of the Act."

The effect of this reply, as is indicated in a memorandum of the Chief Operating Officer, is to leave the matter just where it was, so far as the railways contention is concerned, when Mr. Bowker's letter of March 11, 1919, was received.

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The practice referred to in that letter, cited above, is being continued. The operation is said to endanger safety, and to be out of conformity to sections 306 and

After giving due consideration to the contentions of the railways as to the interpretation of the sections referred to the Board had advised the principal rail-

ways to the following effect, viz:-

"Referring to the above matter, which has been the subject of investigation and consideration by the Board, I am directed to write the interested parties

"The question appears to be governed by sections 306 and 307 of the Railway Act, 1919 (old sections 277 and 278). It seems quite clear, by section 306, that neither train, nor engine, nor electric car shall make the crossing until the proper signal has been received that the way is clear. The provision applies equally to train, engine, and electric car, and, the context not being inapplicable (but being distinctly applicable) the word "railway" includes street railway and tramway. Section 307 is specific in its terms as to what is required to be done."

The Railway Association contested the views of the Board as expressed in the above quoted letter and asked for a public hearing, and the Board, therefore, called upon the railways in public hearing (Ottawa, May 1, 1920) to submit their views. At the hearing, the Grand Trunk, Canadian Pacific, Canadian National, Michigan Central, and New York Central, were represented, as also the railway employees. The matter stood, after hearing upon the understanding that the Railway Companies and death, and submit for the consideration of the Board, a suggested clause, which from the railways point of view, would elucidate the Sections of the Act referred to (sections 306 and 307). No action has, however, been taken in this direction, and counsel for the Canadian Pacific Railway Company has written the Board that the solicitors for the various companies were of opinion that no amendment was necessary, and it is, therefore, desirable to dispose of the question raised at the hearing, so far as is within the Board's province to do so.

I see nothing in what was advanced at the hearing, or subsequently, to change the view of the Board upon the questions raised, as shortly expressed in the Board's letter to the railways of October 29, 1919, quoted above. I have examined the case referred to by the Railway Association, in its letter of February 28, 1920 (file 25177), which does not, it seems to me, in any way support the argument contra to the Board's opinion, expressed as above, as to the sections in question. In so far as it is relevant at all, the decision in that case, while in no way interpreting the sections of the old Act, corresponding to the present sections 306 and 307, did emphasize the fact that the principle to be maintained at all these crossings was that of maintained at all the sections.

It is by section 287 (1) a part of the Board's duty to provide—

"for the protection of property, and the protection, safety, accommodation and comfort of the public, and of the employees of the company, in the running and operating of trains and the speed thereof, or the use of engines, by the company, or on or in connection with the railway."

and in considering the application of any section, or combination of sections, of the particular operation, it is surely the and the manufacture of the results of the conservation of all the provisions of the Act passed in the interests of upholding public safety.

and a property of superior, is, under the most stringent safeguards, a hazard-

ous one. No stronger evidence of that fact can be furnished than by the recent terrible accident, accompanied by enormous loss of life, at a crossing of the New York Central and Michigan Central railways at Porter, Ind., where, with full interlocker installed, the human element of sight and caution seemed to fail, and two high-speed first class trains crashed together. The intention of the legislation in question is, undoubtedly, in the interests of public safety, and if, as I do not admit or find, there is any language open to a dual construction, or admitting any doubt, as to exactness of the detail of the operation intended to be followed, that construction which will, in its broadest sense, afford the greater protection, will best uphold and support the principle of preserving public safety aimed at by Parliament in enacting the law. In such manner, and with due regard to the paramount interests of public safety involved, the Board has expressed its views.

While, on the argument, the meaning of these sections was subjected to ingenious suggestion, from various points of view, I fail to see that difficulty in reading the sections, one with another, as was attempted to be shown. Under heading "Precautions at railway crossings," these sections appear.

The argument was that under neither section 306 nor 307 requires a steam railway to stop when crossing an electric road or tramway. It is conceded that if the crossing is that of two steam railways under subsection (1) of section 306, all trains or engines come to a stop. It is argued, in effect, that section 306, subsection (1) while prohibiting an electric train, or an electric car, on a main line of railway, from passing over a crossing of a steam railway, until a proper signal has been received, as by that section prescribed, the trains or engines on the steam railway may cross the electric railway without such stop.

This is made clear by the following question and answer (vol. 327, p. 2954):-

"The Chief Commissioner: Then you mean that if an ordinary train is coming along and reaches a place where the electric road crosses the steam road, the train is not compelled to stop?"

"Mr. Chisholm: Yes, that is my argument."

I cannot read section 306 (1) as to see the cogency of this argument. The section is prohibitive:-

"No train, or engine, or electric car, shall pass over any crossing where two main lines of railway or the main tracks of any branch lines cross each other at rail level, whether they are owned by different companies or the same company, until, etc., etc."

A train or engine does not run on an electric line, but the prohibition is as to train or engine. The electric car does not run on the steam railway, but the prohibition is as to the electric car. No significance in my opinion is to be attached to the words-

"Any crossing where two main lines of railway, or the main tracks of any branch lines, cross each other at rail level."

In the absence of any specific interpretation in the Act as to what is a "main" line of railway, either steam railway, or electric railway. In most cases every electric railway is a main line of that railway, and as to steam railways the section applies as well to branch lines (main tracks) as to the main lines of railway, and the interpretation section (subsection 21) of section 2 means any railway which the company (i.e., the railway company) has authority to construct, or operate, and except where the context is inapplicable, includes electric railway and tramway. It would be very hard to argue, in the face of the enacting words of the section specifically mentioning electric cars, that the inclusion of electric railways on which those cars run is inapplicable to the context of the section and my view is that the word "railway"

in the section includes, and is plainly intended to include, railways, steam or electric, and with that made plain, the prohibition applies equally to a train, or engine, on the steam railway as well as to the electric car on the electric railway.

Subsection 11 of section 206 is applicable where there is—"a competent person or watchman in charge of such crossing." Subsection 2 of section 306 makes provision for the movement in the case of an electric car crossing any railway track at rail level where there is no person in charge, so that under subsection (1) of 306, if there is a person in charge of the crossing, it seems to me that train or engine, on the steam railway, and electric car on the electric railway, is prohibited from passing over the crossing until the signal is given. Under subsection (2) it is a specific duty, by reason of the nature of the traffic, laid upon the conductor of the electric car, to leave his car and ascertain that the way is clear, before giving a signal to proceed. The differences in the operations mentioned in subsection 1 and subsection 2 of section 306 are differences merely by reason of the diverse nature of the operations of the steam train and electric car respectively.

Now section 307 is absolutely mandatory in its enactment. It says:-

"Every engine, train or electric car shall, before it passes over any crossing, as in the last preceding section mentioned, be brought to a full stop."

Then follows a provision that where there is an interlocking switch and signal system or any other device, which, in the opinion of this Board, renders it safe to permit engines and trains, or electric cars to pass over such crossing, without being brought to a stop, the Board may, by order, permit such engines and trains, and cars, to pass over such crossing, without stopping, under such regulations as to speed and other matters as the Board deems proper.

No argument that I have heard has impressed me as varying the plain meaning of this section as applied to section 306. It is a specific direction in the interests of public safety as to the taking of necessary precautions at a railway crossing to avoid danger, as well in the interests of the public riding on the electric railway as of those riding on the steam railway. I see no reason why the passengers on an electric railway should be exposed to a greater hazard than those on a steam railway—but this is by the way. The sections are, to my mind, interlocked, and provide clearly for the various operations involved, and I think section 307 leaves no room for doubt, that whether there be a watchman or not at the crossing, every engine, train, or electric car shall, before it passes over any crossing, such as is mentioned in section 306, be brought to a stop, unless under the conditions and provisions mentioned in section 307, the leave of the Board is obtained to pass over said crossing without stopping.

At the hearing the railway employees were represented by Mr. W. L. Best, who strongly contended that the sections meant "stop."

Although ingenious argument was directed at the hearing to endeavour to engraft upon the sections, or one of them (section 306), a meaning which is obscure, I am unable to agree that the sense of the sections is in any way obscured or that there is any exception in favour of steam railways in their mandatory nature as to precautions in such a place of danger where the interests of public safety must receive the broadenst and most anxious consideration of the Board

RATES ON PULPWOOD FROM CANADIAN POINTS TO UNION BAG & PAPER COMPANY'S MILLS AT

I lik m. A. Commissioner Boyce, March 16, 1921, concurred in by the Chief Commissioner and the Deputy Chief Commissioner.

The Union Bag and Paper Corporation, with head offices in New York city and mills at Hudson Falls, N.Y., under date June 4, 1919, preferred a complaint to this Board, the substantial portion of which is as follows:—

"The subject which I had in mind, and which I would thank you for presenting to the Board, informally, is in the matter of rates on pulpwood from Canadian points to our mills at Hudson Falls, N.Y.

"When the Interstate Commerce Commission granted the roads in the official classification territory of the United States a 15 per cent increase on commodity rates their decision of March 12, 1918—lumber and forest products were to take an advance of 1 cent per hundredweight. Later the general 25 per cent advance, which became effective June 25, 1918, further increased these rates by 25 per cent.

"In January, 1918, the Board of Railway Commissioners for Canada granted the Canadian roads a 15 per cent advance on all class and commodities, with the exception of coal. Their Permission No. 76 authorized the Canadian roads to further advance their rates 25 per cent, effective June 25, 1918, with the provision that, wherein the Canadian lumber tariffs were not in harmony with the American tariffs on the same commodities, same was to be adjusted accordingly. These grants by the Board resulted in the Canadian roads first advancing the rate on lumber and forest products 15 per cent and later by 25 per cent.

"Take for instance—Causapscal on the Canadian Government, on pulpwood. This is a Group 18 point. Prior to May 20, 1918, the rate from Causapscal to Hudson Falls was 16 cents per cwt. as per Canadian Government Tariff C.F. 226, I.C.C. 813, C.R.C. 1384. Effective May 20, 1918, this rate was advanced to 18½ cents as per C.G. Tariff C.F. 280, I.C.C. 869, C.R.C. 1536. Effective June 25, 1918, the rate was further advanced to 23 cents per cwt. as per Canadian Government Tariff C.F. 289, I.C.C. 882, C.R.C. 1555.

"Let us also consider a typical point on the Q.C., namely, St. Joseph. On pulpwood to Hudson Falls this "is a Group "D" point. Prior to April 17, 1918, the rate from St. Joseph to Hudson Falls was  $10\frac{1}{2}$  cents per cwt., as per Quebec Central Tariff 590, I.C.C. 231, C.R.C. 522. Effective April 17. 1918, this rate was advanced to 12 cents per cwt., as per Quebec Central Tariff 652 I.C.C. 258, C.R.C. 593. Effective June 25, 1918, this rate was further advanced 15 cents per cwt., as per Supplement No. 2 to the tariff last mentioned above.

"It is our contention that if the Canadian Board's Permission No. 76 had been literally followed, effective June 25, the rate on pulpwood from Causapscal to Hudson Falls would have been 21½ cents per cwt. and the rate from St. Joseph to Hudson Falls would have been 14½ cents per cwt.

"We are using Causapscal and St. Joseph merely as examples. During the summer of 1918 there were thousands of cars of pulpwood shipped from practically all sections of Eastern Canada to us at Hudson Falls.

"It seems to us that these tariffs should be immediately corrected, and that we should be awarded proper reparation. We, of course, are prepared to support our claim with proper documentary evidence, and we will appreciate the Board's taking this matter under immediate consideration and letting us have their decision, at least informally, at an early date."

The application is for interpretation and correction of the joint through rates on pulpwood from Canadian shipping points to United States destinations. The question involves the interpretation to be given to the order of the Interstate Commerce Commission, No. 57 (ex parte), dated March 12, 1918, in its 15 per cent case, and the Board's Special Permit No. 76, dated June 5, 1918, in connection with the United States Railroad Administration's General Order No. 28, dated May 25, 1918, generally referred to as the McAdoo Order.

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The two tomans a manission Order No. 57, reads in part as follows:-

"Commodity rates on lumber and forest products may be increased by 1 cent per 100 pounds."

Upon that order this Board issued its Special Permit No. 76, addressed to the Chairman of the Canadian Freight Association:—

"CANADIAN PACIFIC R'Y. CO'S. TELEGRAPH"

OTTAWA, June 5, 1918.

"G. E. RANSOM,

"Canadian Freight Assn.,
"Montreal, P.Q.

"Your application June first. Existing freight tariffs from Canada to United States may be increased to same extent as those in reverse direction under Director General McAdoo's General Order two eight, and may be made effective not earlier than June twenty-fifth instant by filing on not less than one day's notice, provided that where tariffs, lumber from eastern Canada for example, are now out of line with American tariffs on same commodities from or to corresponding or competitive territories in United States, they must now be placed on proper relative basis. Board's special permission number seven six."

# A. D. CARTWRIGHT.

The applicants take the ground that pulpwood is a "forest product," and that as such it was expressly provided for in the I.C.C. Order No. 57, quoted above. That consequently in computing or making up, under the 15 per cent order, the through rates charged the applicants they should have been made upon the basis therein specified, viz: 1 cent per 100 pounds plus 25 per cent, in accordance with the increase orders, instead of, as has been charged and paid by applicants, viz: 15 per cent addition under the first, and 25 per cent under the second order. The railways contend that the I.C.C. order was intended to apply to the products commonly covered by the lumber tariffs and that pulpwood having a special tariff is not one of these. The applicants ask for correction of the tariffs and suitable reparation, upon the thousands of cars shipped there under the increased rate. The differences on the movements shown in applicant's complaint, are, an excess charge of 1½ cents per cwt. from Causapscal Falls, and a ½ cent per cwt. from St. Joseph to Hudson Falls, N.Y., respectively, but on the thousands of carloads involved the reparation asked for is substantial.

The Special Permission of this Board, No. 76, cited above, authorizes the increase of freight tariffs from Canada to United States points "to same extent as those in reverse direction under Director General McAdoo's General Order No. 28," with the proviso that where tariffs, instancing lumber from Eastern Canada, were out of You in American the same commodities from or to corresponding or committee in United States, they should be placed upon the same relative mass. The effect of the order with the proviso mentioned, was to adopt so far as the tarifful purities of the International through rate originating in Canada was made to improve Order of the Director General of the United States making same to conform to the American rates on the proper relative basis.

The contention of the Canadian Freight Association is that the Canadian Railways have advanced their rates into this competitive territory to the same extent and the manner of the American railways have advanced theirs. Mr. Rausom, at the hearing (p. 3181-2) explains the contention of the Canadian rail-

ways in this respect as follows:—

what has been the attitude of the Interstate Commerce Commission upon this

subject? The order is rather a peculiar one. I think for the purpose of getting it on record I had better read it. It is an Order of the Board dated June 5, 1918."

The Chief Commissioner then read Special Permit of this Board, of June 5, 1918, No. 76 (cited above) and proceeded:-

"That shows that this order must be construed very largely in respect of how the Interstate Commerce Commission may construe their tariffs under

their 15 per cent rate case.

"Mr. RANSOM: We say as the United States carrier construes the order. Furthermore, the specific advance given by this Board on pulpwood at points in Canada is identically the same as we have advanced in the States. I do not believe it is the intention of the Board to make a lower advance on pulpwood from Canada into the United States than was given the Canadian manufacturers."

This Board's permit No. 76, referred to above, it will be observed, provides for increases in tariffs to same extent as those in reverse direction, but it is pointed out, and accentuates the difficulties of interpretation, that there is no traffic in pulpwood from United States to Canada, and therefore, no interpretation of the American tariffs from that point of view is to be had.

Mr. Macdonnell, for the Canadian Pacific Railway Company, quoted the following distinctive rates from two characteristic pulpwood shipping points in Eastern Canada (Batiscan and Megantic) to Hudson Falls, N.Y., on lumber and pulpwood, respectively, as showing what those rates were prior to the 15 per cent increase and the effect of the increases of 15 per cent and 25 per cent respectively, and shewing that pulpwood moved under a lower rate than lumber, as follows:-

#### LUMBER

From	Tariff	Tariff	Tariff
Megantic, P.Q Batiscan	E-2650	E-3103	E-3193
	C.R.C.E3022	C.R.C.E3419	C.R.C.E-3504
	August 16/15	April 20/18	June 25/18
	13.7c. per cwt.	16c. per cwt.	18½c. per cwt.
	14.7c. per cwt.	17c. per cwt.	19½c. per cwt.

### PULPWOOD

C.R.C.E-2847 C.R.C.E-3413 E-3097  September 10/14 April 3/18 C.R.C.E-3413  Batiscan 10c. per cwt. 11½c. per cwt. 14½c. per cwt. 14½c. per cwt. 14½c. per cwt.	From  Megantic	10c. per cwt.	April 3/18 11½c. per cwt.	C.R.C.E-3413 14 gc. per cwt.
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The classification in the McAdoo Order (25 per cent case) appears in section 2(a) under the following head:-

"Lumber and articles taking same rates or arbitraries over lumber rates; also other forest products, rates on which are not higher than on lumber, twenty-five (25) per cent, but not exceeding an increase of 5 cents per 100 pounds."

By section 3 all export and import rates were cancelled and domestic rates applied to and from ports.

It appears from the Canadian tariff, cited above, that pulpwood moving from Eastern Canada to United States points takes a lower rate than lumber, and it is strongly contended by applicants, that pulpwood is a "forest product" and as such is governed by the classification, and increases thereon, under the term "lumber and forest products" in I.C.C. Order No. 57, and not by the Canadian tariffs on pulpwood.

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The Ohio' Tree' Officer of the Board, in an interim report, points out that in the report of this Board to the Governor in Council, in the Canadian 25 per cent Rate Case, says, section 11:-

"In the Maine and New Hampshire districts, where pulpwood is produced and comes directly into competition with Canadian pulpwood, the American railways put into force an advance of 15 per cent before the McAdoo order was made."

But, it is a sitted out, that this statement not only is dependent upon the reading of the American tariffs, but is subject to the interpretation placed upon them by the Interstance Community Commission wherever they have been the subject of investigation by that body, and that, therefore, it is important that the Board should examine the American wriffs to ascertain how far its statement to Council, as above, is subject to variation, in view of the Board's Permit No. 76, by changes made in tariffs by the American railways, either of their own motion, or as a consequence of rulings by the Interstate Commerce Commission giving these tariffs a different construction. the Order of the Interstate Commerce Commission applied to through rates into Canada as well as to American domestic interstate rates, the Board's 15 per cent order necessarily applied not only to through rates from Canada to the United States, but to rates within Canada. The Board, therefore, both in its preliminary examination of the complaint, and at the hearing, made inquiries as to these American tariffs, i.e., those applying between points in the United States and not internationally, and therefore not filed with the Board, as necessary evidence to the full consideration of It also made inquiries as to the interpretation placed upon them by the Interstate Commerce Commission. The inquiries in both these respects have not, so far, been productive of such definite information and evidence as, in my opinion, enables this Loard to decide that the question of interpretation is free from doubt, although there is some evidence thereupon to which I shall refer. The American tariffs could not be supplied. It was said by applicants that they could not be procured because they were not available.

The applicants were then asked to obtain from the American railways concerned, a statement of increases in their pulpwood rates, made under the authority of the Threst to Commerce Commission, exparts Order No. 57. The applicants, therefore, submitted replies from some of the American railways concerned, and also a letter from the Interstate Commerce Commission, addressed to applicants in reply to their inquiry, relative to increase of rates on pulpwood. As the mater is of importance, I will quote the substance of the replies from the American railways, to the applicants, as regards these rates:-

(1) Michigan Central Railroad, November 4, 1919:

"The rates on pulpwood were advanced 1 cent per 100 pounds. Tariff

containing the 15 per cent was cancelled."

They attached copy of present tariff, which is in line with I.C.C. decision of Marci 12, 1918, in case of parte No. 57, which authorized the advance of rates on lumber 1 cent per 100 pounds.

(2) Grand Rapids and Indiana Railroad, November 1, 1919:

"Our pulpwood rates under the application of the above decision in ex parte 57 were advanced 1 cent per 100 pounds."

(3) New York Central Railroad, October 28, 1919:

"As to our local rates . . . they were advanced 15 per cent with a maximum of 20 cents per ton or 1 cent per 100 pounds. We have a number of tariffs making rats on pulpwood between points on our line but I would

be at a loss to know which to send you. I take it, however, that in view of the definite advice given above as to the method used in advancing our pulpwood rates, that your needs will be met."

# (4) Central Vermont Railroad, October 27, 1919:

"I have not had an opportunity of checking all of our special rates on pulpwood, but my understanding is that we increased our pulpwood rates by the same measure as obtained on lumber, namely, 1 cent per 100 pounds."

The Canadian Freight Association being appraised of the opinion of the Board that the American tariffs referred to were of importance in the consideration of this matter, also made inquiries of certain American railroads, and submit the following in support of their point of view:—

# (1) Maine Central Railroad, July 10, 1919:

"Your understanding, so far as this railroad is concerned, is correct; that is, in the 15 per cent case, where specific commodity rates were established on pulpwood, the rates were increased 15 per cent, but where pulpwood was carried in the lumber tariffs, the rates were increased 1 cent per cwt. In the 25 per cent the same method obtained."

# (2) Boston and Maine Railroad, June 30, 1919:

"From checking up our local rates on this commodity, I would advise that the Boston and Maine Railroad proceeded to advance their rates in the same manner as outlined in your letter, that is, if pulpwood was carried in a lumber tariff at lumber rates, it was advanced 15 per cent and 25 per cent, or if this commodity was carried in a separate tariff at specific rates, we also advanced these specific rates 15 per cent and 25 per cent."

# (3) New York Central Railroad, June 23, 1919:

"The New York Central Railroad rates on pulpwood in Northern New York were advanced 15 per cent under ex parte No. 57 and not 1 cent per 100 pounds as was done in connection with the rates on lumber, and under the 25 per cent advance, the rates were advanced 25 per cent without reference to the special advance on lumber."

With regard to the last-mentioned letter it is to be observed that the statement of the New York Central Railroad to Mr. Ransom, of June 23, 1919, is not exactly in the same terms as the statement from the same railroad of October 28, 1919, to the applicant company.

The applicants also submit a copy of a letter addressed to them from the Interstate Commerce Commission, March 5, 1920, as follows:—

"The commission has received your letter of February 10, with enclosures, file WA-2, relative to increase of rates on pulpwood under the commission's order of March 12, 1918, in the 15 per cent case.

You are advised that the commission does not appear to have interpreted the particular portion of its order above referred to relating to pulpwood so as to enable me to answer your enquiry.

It is the policy of the commission not to express opinions upon such matters unless or until they arise in connection with concrete instances within its jurisdiction. Since the rates to which you refer in your letter are published by Canadian lines, the commission would be averse to expressing its interpretation of the order referred to in connection with the facts presented by you. If the Board of Railway Commissioners for Canada desire an inter-

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pretation by the commission of the portion of its order of March 12, 1918, relating to pulpwood, a suggestion to that effect by the Board addressed to the commission would of course receive careful consideration."

It will be alcorved that the statements of the American railways are not entirely in accord, or free from doubt, with regard to the point in issue and which this Board is asked to decide.

The Board, therefore, on March 20, 1920, submitted to the Interstate Commerce Commission, an inquiry as to that commission's interpretation of its order with respect to the matters in question, as outlined in the following letter:—

"It has been represented to the Board, in connection with a complaint relating to shipments of pulpwood from Canada to the United States, that a different interpretation seems to have been placed by the United States carriers on the Interstate Commerce Commission's order, dated March 12, 1918, in the 15 per cent case, so-called, as it affected pulpwood shipments, some having increased their rates one cent per 100 pounds and others 15 per cent, and that the Board of Railway Commissioners would be much pleased to have the Interstate Commerce Commission's interpretation of its order in this regard."

The reply of the Commission on the 21st April was as follows:-

"This matter has been given consideration, and it is the informal view of the Commission that pulpwood falls within the term "forest products" as this term is used in the Commission's Order in the 15 per cent rate case."

The view of the Interstate Commerce Commission as expressed in the above efforts stated to be an informal one and apparently conflicts with the interpretation of the Interstate Commerce Commission's 15 per cent Order, as expressed in the tariffs of some of the United States carriers referred to above, so that while, informally, the laterstate Commerce Commission expresses an opinion to this Board as to the contraction to be placed upon the tariffs, it would appear that there are in force, in the United States, tariffs which have not been modified or brought into line with this interpretation of the Interstate Commerce Commission, and consequently the matter commined open to some doubt, and under these circumstances, it came to a hearing, at which, it must be confessed, not very much further light was thrown upon the difficulty involved.

Reference having been made at the hearing to the tariffs of the Bangor and Aroostock R.R. Maine Central, and Boston and Maine, it is ascertained, upon examination, that the history of these tariffs relative to the circumstances under consideration is as follows:—

# "BANGOR AND AROOSTOOK R.R.

"B. & A. R.R. tariff C.R.C. No. 242, effective January 11, 1918, from local points to Corinth and Fort Edward, N.Y., quote a 19-cent rate, which was increased to 22 cents, or 15 per cent, on April 29, 1918, in tariff C.R.C. 256, and which was reduced in tariff 280, effective March 31, 1918, to 20 cents, or an advance of 1 cent over rate in C.R.C. 242, and again increased 25 per cent by blanket supplement effective June 25, 1918."

## BOSTON AND MAINE R.R.

"B. & M.R.R. Tariff C.R.C. No. 1714 (as in Supplement 7 thereto, effective Devenher 17, 1917) from stations in Canada and the United States to points in Mass., N.H., Vu., N.Y. and Pa. was cancelled by C.R.C. 1871, effective June 10, 1918, which increased rates 15 per cent and which was further increased 25 per cent by blanket supplement effective June 25, 1918."

### MAINE CENTRAL R.R.

"M. C. R. R. C.R.C. No. C-1283, effective February 21, 1918, from stations in Canada and the United States to points on Boston and Maine and St. Johnsbury and Lake Champlain R.R.'s was cancelled by C.R.C. No. C-1347, effective April 17, 1918, which increased rates by 15 per cent. These rates as increased by 15 per cent are carried forward in tariff C.R.C. No. C-1435, effective June 17, 1918, and further increased 25 per cent by blanket supplement effective June 25, 1918."

Communication was had with the Interstate Commerce Commission with reference to the tariffs of the Bangor and Aroostook, to Corinth and Fort Edward on pulpwood, and the reissue thereof substituting the increase of 1 cent per 100 pounds. The Commission was asked to state, having reference to its previous letter to the Board of April 21, cited above, whether the increase in rates on pulpwood, permitted by the I. C. C. was 15 per cent, or 1 cent per 100 pounds, and it was requested to state the reason for the rejection of the tariff of the Bangor and Aroostook R.R., for which the Bangor and Aroostook substituted I.C.C. 1283, changing the increase over the ordinary rate, from 15 per cent to 1 cent per 100 pounds, and whether such rejection had any connection with the informal view of the Interstate Commerce Commission, as communicated to the Board in the letter referred to. In reply to this enquiry the following communication was received from the Interstate Commerce Commission. with its enclosure, which are set out in full as follows:—

"Referring further to your letter of November 15, having reference to the communication of this Commission dated April 21, 1920, regarding rates on pulpwood.

"You refer to the fact that the B. & A. tariff I.C.C. 1222 which purported to increase rates on pulpwood 15 per cent was rejected for filing by this Commission and a subsequent tariff provided for a straight increase of 1 cent per 100 pounds on this commodity, and ask whether our informal ruling of April

21 had any bearing upon the rejection of this tariff.

"Our examination of the files indicates that the tariff in question was rejected on April 30, 1918, practically two years prior to the time of our informal ruling above referred to. The reason for rejection of this tariff was fully outlined in a subsequent letter from our Bureau of Tariffs dated May 11, 1918, a copy of which is enclosed. You will observe that in both instances the Commission took the view that pulpwood properly should be considered as a "forest product," within the meaning of ex-parte 57. There is nothing to indicate, however, that our rejection of this particular tariff and our informal ruling on a similar question had any direct relationship one to the other, except, of course, that both actions were predicated on practically the same theory.

# (Enclosure)

"Yours of the 4th instant, file W-1501, enclosing copies of your I.C.C. No. 1222 and Advice No. 1828 that we returned to you with my letter of the 30th

ult., received and has my attention.

"In reply, would say that I have before me your message of March 23, 1918, to the Commission, and the Secretary's reply of March 25, 1918, and it does not appear that either under these messages or under those from and to Mr. McCain quoted in your letter, any authority is extended for increasing rates on pulpwood in excess of one cent per 100 pounds, permitted by the Commissioner's Order of March 12, 1918, in Ex Parte 57.

"It is true that in your I.C.C. No. 1133, naming rates on lumber and other articles taking lumber rates, that pulpwood is not specifically named but

wood pulp boards are named, and the tariffs of other carriers in your territory do include pulpwood as a forest product. In this connection see Central Various Reiway LCC, No. A-4268, item 5, page 8, and other tariffs that I might mention.

"It is noted also that, in your I.C.C. No. 1133 wood pulp is named as taking lumber rates, which certainly is a product more remote from the forest

than the pulpwood itself.

"The statements given in your letter have been given full consideration and you are advised that the Commission may not accept these tariffs for filing for the reason they assume to increase rates more than one cent per 100 pounds. Copies of the schedules recited in the first paragraph of this letter are, therefore, herewith again returned."

It therefore appears that the contention of the applicants that pulpwood is a "freest pulmud" received in the two instances referred to in the first of the above quarted the applicant of the above quarted the applicant of the Interstate Commerce Commission having primary jurisdiction over the American rates, which places the general question as to its applicability to the American railways involved, without question, so as to justify this Board in treating the question as one begins to dispute. The concluding paragraph of the letter from the Interstate Commerce Commission, of January 13, last, to the Board, indicates the restriction, or limitation. I have referred to."

The same question having arisen on a complaint to the Board by the West Virgini Pule and Paper Company (Board's file 26901.11) it is pertinent to what is involved to refer to the letter. March 7, 1921, and a copy enclosed therewith of letter November 49, 1918, from the Delaware and Hudson Railway Company, as indicating the views of the American railways, as to the construction to be placed upon I.C.C.

Order No. 57, and this Board's Special Permission 76:-

"Your letter of March 3 referring to mine of September 16, 1918.

"Attached is copy of letter from Mr. W. G. Storey, Assistant General Freight Agent of the D. & H. dated November 19, 1918, from which you will note that the carriers in Trunk Line territory gave the matter careful consideration and decided that pulpwood was a forest product and that an increase of one-cent per 100 pounds should apply. Furthermore, the Norfolk and Western advanced their rates on pulpwood to Luke, Md., and Piedmont, W.Va., under the 15 per cent decision the full 15 per cent not recognizing the 1 cent maximum advance. The tariff was afterwards corrected to a maximum advance of one cent and refund of the overcharge caused by their overlooking the one cent maximum is being handled by the Interstate Commerce Commission under their informal dockets 70073, 70203 and 72099."

(Enclosure)

Delaware and Hudson R.R.

"Referring to your letter of November 11, file 533-Can., relative to advance of 1 cent per 100 pounds, in all commodity rates on pulpwood under the 15 per cent increase.

This question was given careful consideration by the Trunk Lines and it was decided that pulpwood was a forest product and increase of 1 cent per 100 pounds should apply."

The distance from Causapscal, Que., where shipments in question originate, to Hudson Falls, N.Y., is 608 miles—the movements being via St. Lambert, to Rouse's Point, N.Y. (a distance of 450 miles) thence 158 miles to Hudson Fall, N.Y. Of the 450 miles Canadian haul, 407 would be on the Canadian Government Railways, over which the Board exercises no jurisdiction, and which railway was not before us at the hearing, and 43 miles on the G.T.R., thence Delaware and Hudson to Hudson

Falls, N.Y. This Board, therefore, in any event, and apart from the construction of the American Railways, or the interpretation of the I.C.C. would only have jurisdiction over 43 miles of the Canadian haul.

From St. Joseph, One, the alternative routes would be

om St. Joseph, Que., the alternative routes would be-		
To Rouse's Point, N.Y. via Sherbrooke, G.T.R. and		
St. Lambert, Que., G.T.R	243	Miles
Rouse's Point to Hudson Falls, N.Y. (D&H)	158	22
	401	22
or		
St. Joseph, Que., to Rouse's Point, N.Y., via Sherbrooke,		
C.P.R. and Delson Jct. and N.J. Ry	226	22
Rouse's Point to Hudson Falls, N.Y	158	22
	284	37

On the haul from Causapscal to Hudson Falls, N.Y., but 43 miles of total mileage of 608, is under this Board's jurisdiction as to rates. On the St. Joseph traffic, the larger mileage is in Canada. Excluding that part of the St. Joseph-Hudson Falls mileage, which is under the Board's jurisdiction, there would be on the two movements involved in the complaint (St. Joseph and Causapscal, Que., to Hudson Falls, N.Y.) a slight preponderance of the mileage in the United States.

The case, in its analysis, is very similar to that presented to this Board in re Complaint of Consolidated Gas Electric Light and Power Company of Baltimore, Md., against rates on bog iron ore charged by the Canadian railways (Board's file No. 3079.37), Judgments of the Board (1919), p. 402, in which the Assistant Chief Commissioner in delivering the judgment of the Board, and after reciting the expressed attitude of the Interstate Commerce Commission, as reported in a number of cases there cited as regards distribution of jurisdiction between that body and this as regards the portions of the interstate traffic falling within the jurisdiction of each, respectively, says, p. 411:—

"It will be noted that while in agreeing in the practice, the Interstate Commerce Commission in no way recedes from the position that as a matter of jurisdiction its powers to regulate the United States portion of the rate is absolute; and it has, in fact, from time to time so acted notwithstanding the informal modus vivendi above referred to"—and again, on the same page—

"The jurisdiction of the Interstate Commerce Commission over the haul within the United States is undoubted. What is involved is the determination of the meaning and application of a United States tariff basis, which, as a matter of reciprocity has been made applicable on the movement from Canada to the United States."

This view is distinctly apposite to the present case, and I concur in and adopt it. It is specially applicable when the wording of the Board's Special Permit No. 76 is considered. As I read it, that permit by this Board is absolutely limited in its effect by such construction or interpretation as the Interstate Commerce Commission give to the tariffs of the United States railways. There is, in my view, in the informal opinion of the Interstate Commerce Commission herein quoted, in its interpretation as applied to the Bangor and Aroostook Railway tariffs, in the statement from the Delaware and Hudson Railway and in the several quoted letters from other American railways, evidence supporting the contentions of the applications as to the interpretation to be placed upon the tariffs in question. I do not say that while indicative, it is conclusive of the opinion the Interstate Commerce Commission might hold in considering the whole question here involved in its application to the United States railways tariffs within the jurisdiction of that body. I think it is

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one that points, expressed above, the interpretation of the American tariffs should rest with the Interstate Commerce Commission, and that the applicants should be referred as in the Box Iron Ore Clase) to the jurisdiction of the Interstate Commerce Commission for the remedy within that jurisdiction. If, after invoking and who wind that jurisdiction is necessary, written any far for action or remedy within this Board's jurisdiction is necessary, written submissions may be made, which can be considered, when necessary, with and as part of, the present case, which may be permitted to remain in suspense pending any further submissions as above indicated.

No order is now necessary.

#### CLASSIFICATION OF AGRICULTURAL IMPLEMENT PARTS

the Chief Commissioner McLeen, March 21, 1921, concurred in by the Chief Commissioner.

Supplement No. 16 to Canadian Freight Classification No. 16 has been gone into it on ference with the shipper's representatives, and the submissions made have been considered.

A capy of the conference memorandum was supplied to Mr. P. G. Denisen, Manager of the Transportation Department of the Winnipeg Board of Trade. The Board is civils of by Mr. Denison that the principal points his clients were interested in were taken care of and, under the circumstances it would be quite in order to withdraw the found in dest of the Winnipeg Board of Trade against the supplement.

Mr. S. B. Brown, the Assistant Manager of the Transportation Department of the Commiler Manufacturers' Association, advised that his understanding is that with an apparations questions in the Supplement to be considered by the Board. Mr. Tilston on bould of the Montreal Board of Trade, advises to the same effect.

In a letter from Mr. T. Marshall, Manager of the Traffic Department of the Bond of Trade of the city of Toronto, dated February 14, 1921, it is stated that the always like from the has to make in regard to the matter as having been satisfactorily offusted is that he had understood that item 10, page 47, of the proposed supplement, was to have been amended so as to provide that a distinction would be made between the rear and from axis of self-propelling vehicles in accordance with the ratings toroided, the from axis being carried at ratings of 3rd class L.C.L., and 5th class C.L.; we higher rating to apply on the rear axis with attachments. This is taken for it a further revision of the supplement, it being provided that from axis, the supplement is a further revision of the supplement, it being provided that from axis, the supplement is now in shape for approval.

The Board is in receipt of a telegram from the Canadian Explosives, Limited, argum the sanctioning of the supplement. It is stated that the new supplement travelles for a rating on safety fuses, 1st class L.C.L. and 3rd class C.L. (the latter being a new rating), and desires that the matter be put through as promptly as salida. A communication has also been received from Mr. Tilston of the Montreal

Board of Trade on behalf of other interested shippers.

What is involved in the application of the Massey-Harris Company is a distinction in rating between agricultural implements and agricultural implement parts. At the soft the only specific ratings contained in the classification dealing with agricultural implement parts are to be found in the hardware list, the items in question being: Enives (mower and reaper); plough castings, mold boards, points, shares or into the following points of the following is to the (cultivator) posts (directly the following); teeth (rake); teeth (thresher). With the exception of tooth (cultivator), which is rated 4th class in carload shipments, the other items are rated carloads 5th class. There is no provision for agricultural implement parts under the agricultural implement list.

The railways have now specifically set out under 5th class rating in carloads, in the agricultural implement list, the various agricultural implement parts carried. They contend that while they have not hitherto so specified all the articles, that the proper rating was in general 5th class; and it is further contended that in the absence of a specific rating that the rating of the agricultural implement parts which were specifically mentioned would govern, and therefore, 5th class would apply.

The Massey-Harris Company states that while parts for agricultural implements as such were not included in the agricultural implement class, it has been the practice in the past of this company, and of other companies manufacturing agricultural implements, to ship mixed cars of agricultural implements and parts at 6th class rating, there being no limitation as to the amount of implement parts entering into the mixture. In other words, it is alleged that there has been accorded in practice a 6th class rating to agricultural implement parts. Mr. Ransom states that this has not been done with the knowledge and agreement of the railways. It has, however, not been the practice of the railways to inspect cars which were described on the bills of lading as agricultural implements; that is to say, when the car was billed as containing agricultural implements, this was taken as conclusive, and further investigation was not made as to the contents of the car in respect of a mixture of agricultural implement parts.

It is contended by the Massey-Harris Company that it is anomalous to have spare parts on a higher rating than the implements of which they form repair parts. This opens up a wide field of discussion which would be more apposite in connection with a general consideration of the question of classification. It may be mentioned in passing, that spare machinery parts are classed higher than the machinery itself.

As to the mixing of agricultural implement parts and agricultural machinery, item 10, page 65, of Classification No. 16 provides that mixed cars which also contain articles rated higher than 6th Class C.L., are subject to rule 2, and this is the mixing rule which gives a different rule of practice east of Port Arthur as compared with shipments from points east of Port Arthur to Port Arthur and west, and between points west of Port Arthur.

East of Port Arthur, when articles of different classes are mixed, the highest rate and highest minimum car-load rate applies. West of Port Arthur the mixing is not allowed under different distinctive headings; and it is further provided that when articles under one distinctive heading of the same class C.L. are mixed, the car-load rating and highest minimum weight of such class will apply. So far as the classification is concerned, the mixing on shipments from east of Port Arthur to west of Port Arthur, and between points west thereof, of agricultural implement parts at 6th class, and of agricultural implements at 5th class, said articles being under distinctive headings, is not permitted. There is, however, a tariff practice dealing with the mixing of agricultural implement parts up to twenty-five per cent of the billed weight.

From the east to the west this mixing is permitted by tariff provision. Item 10, page 30, of Ransom's Tariff No. 5D, C.R.C., No. 61, reads as follows:—

"Agricultural Implements, taking 6th class in straight or mixed car-loads, and articles described in item 8 (as amended by supplement), page 65 of Canadian Freight Classification No. 16, farm wagons, farm carts, farm sleighs, bob sleds, windmills, windmill towers, sprayers (field or orchard, horse-drawn), straight or mixed car-loads (see note) minimum weight:—

"Note.—Agricultural implement parts or parts of farm wagons, farm sleighs, bob sleds, made of iron, steel or wood, not to exceed 25 per cent of billed weight, may be included with above at same rate."

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As ; and d at, this tariff practice applies on shipments from east to west. The Barri is all is it in when Sunplement No. 16 goes into effect the railways are prepared in I to publish a tariff practitude in the inclusion of agricultural implement parts while carbods of grandfund implements at 6th class not to exceed 25 per cent of the like analytic; to other words, to extend to shipments between eastern points the application of the arrangement now existing from eastern to western points.

It is apparent that the tariff provision as to mixing, set out, is a modification

of and reduction from a provision of the classification.

There is a disagreement of record as to what was agreed upon at the conference. Among the shipper's representatives present at the conference in Montreal were rear and matter of the following agricultural implement companies: The Frost and Wood Company, Limited; the Massey-Harris Company, and the International Harvester Company of Canada. In the memorandum of the proceedings of the conference, as submitted by Mr. Ransom, and which, as has been pointed out, is a matter of the proceedings of the correctly representing the agreements arrived at, the to'lowing is set out as dealing with this portion of the matter:—

"Pages 12 to 16 inclusive: Owing to protests received from the western Boards of Trade against the elimination from the hardware list of the agricultural implement parts now provided therein it was understood that the parts now carried in the hardware list would be continued therein.

"The agricultural implement manufacturers asked for 6th class rating on agricultural implement parts in carloads, which the carriers were not prepared to concede, and after considerable discussion, they (the carriers) made the following suggestion: That commodity tariffs applying between points in Eastern Canada be issued providing that agricultural implement parts shown in Supplement 16 to Classification 16 and agricultural implements as shown in Classification 16 would be accepted for transportation in mixed carloads at the ration applicable on agricultural implements, provided that the weight of the parts did not exceed 25 per cent of the gross weight of the shipment and they would states to the Western Lines that they issue a similar community sariff to apply between points in Western Canada. This proposition was finally accepted by the manufacturers' representatives without in any way projudicing the carload rating on agricultural implements in the classification.

"While the question of rates to the Northwest is not involved in this supplement the matter was brought up and it was suggested by the manufacturers that in order to increase the loading of cars to the Northwest amendment he made to C.F.A. Tariff 5-D. providing for a greater proportion of agricultural implement parts when in mixed carloads with shipments. The carriers agreed to give this matter their careful consideration.

"With the above understanding the present ratings and description shown in supplement with the following minor changes) were allowed to stand:—

"Page 12, item 32-Aprons:

"Change L.C.L. rating to 2nd class. "Page 15, item 10—Change to read:

"Poles:

"Wooden, finished: L.C.L. C.L. "Loose or in packages 2 5"

On the other hand, under date of February 21, 1921, the following communication was sent to Mr. Ransom by the assistant general manager in charge of sales, of the Massey-Harris Company, Limited:—

"We gather from an intimation from Mr. Brown, the assistant manager, transportation department, of the Canadian Manufacturers' Association, that there may be an understanding on your part that our company is agreeable to the suggestion offered with regard to a temporary classification of repair parts for agricultural machinery as fifth class, pending a general discussion of the new proposed Classification No. 17.

"The writer regrets that he and Mr. Wedd, manager of our shipping department, were unable to stay over for the second day's consideration of this subject at Montreal, but we left with Mr. Brown, of the Manufacturers' Association, a letter which we expected would definitely indicate to your committee that we could not agree to the proposal of fifth class, even as a temporary classification, of spare parts in carload lots and will press for a continuance under definite authority of the classification for a condition that has existed with a knowledge of the carriers for so many years, namely, that spare parts should move in mixed cars or straight carload lots in the same classification as agricultural implements themselves.

The protest from the Massey-Harris Company is supported by a telegram from the International Harvester Company of Canada, asking that they be allowed to become a party to the protest and be given an opportunity to produce evidence, as it was impossible for them to be present at the sittings of the Board here on Tucsday, March 15. They were advised by wire that the case was going on on Tucsday, March 15, and they were to submit their case in writing if they were unable to be present. Such submission has not been received.

As the matter presents itself to me the 5th class rating involved is in accord with the ratings now effective on the implement parts specifically mentioned, and as a matter of construction of the classification, my understanding is that the rating of 5th class would apply at present on implement parts specifically mentioned.

I am not disregarding the contention of the Massey-Harris Company that it has been allowed to mix agricultural implement parts with agricultural implements on a 6th class rate and without limitation as to the percentage of mixture. As already set out, no classification authorization for this arrangement is provided. The Massey-Harris is in effect applying for a reduction from 5th class carload to 6th class carload on agricultural implement parts. This is an application for a revision of the classification rating which has for some time been operative. As has been pointed out, the special tariff provision allowing a 25 per cent mixture of agricultural implement parts is a substantial concession from the rigidity of the classification rule. The recommendation as to the application of the tariff between western points is also to be noted.

At the sittings of the Board on March 15 there was also before it an application of the Rubber Association of Canada for revised ratings on rubber tires and tubes. This application was launched on November 30, 1920. What is asked for in general is a reduction in the ratings of rubber tires and tire tubes, it being stated that the applicants are agreeable to conceding an increase in the minimum weight on rubber tires. The rating at present is 2nd class C.L. with a minimum of 16,000 pounds. The applicants ask for a 3rd class rating C.L., on rubber tires, loose or in packages, and concede to a minimum of 20,000 pounds. This is an application for a reduction in the classification which has apparently developed independently of the proceedings in connection with Supplement No. 16, and will have to be dealt with separately.

I am of the opinion that order should go approving of Supplement No. 16 to Canadian Freight Classification No. 16.

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TELEPHONE TOLLS, BELL TELEPHONE COMPANY, FOR SERVICE IN ROCKLIFFE

Judgment. Assistant Chief Commissioner McLean, May 16, 1921, concurred in by the Chief Commissioner and Commissioner Boyce.

Correspondence has taken place from time to time with reference to telephone rates applicable in the police village of Rockliffe, which is adjacent to the eastern boundary of Ottawa in the area near the Ottawa river. Telephone development in Rockliffe embracing some seventy-two telephone subscribers is, as presented, one which is not primarily concerned with a use limited to the locality, but, rather, a use concerned with the utilization of telephone development of the city of Ottawa. The telephone charges for those resident in the police village of Rockliffe are made up of the Ottawa rate plus excess mileage charges. The method by which these rates are built up is gone into in detail further on.

Subsequent to the correspondence already referred to, the Telephone Company, in November, 1919, applied to the village of Rockliffe a new telephone rate known as a "locality" rate. As explained by the company, instead of applying the ordinary unleage charges computed on route measurement from the exchange limits, there was applied a locality rate based on an average of one-half mile excess applying alike to all subscribers within the area above defined. In other words, instead of having an excess infleage offices according to the situation of the subscriber, one-quarter, one-half or three-quarters of a mile, etc., beyond the city of Ottawa, an average of one-half mile was taken. The effect of this on the company's revenues from excess mileage as set out by the company is as follows:—

Police Village of	Rockliffe-
-------------------	------------

(a) (b)	Total number of Rockliffe subscribers, 72.  No change in rate	, ,			28 34 10
			-		72
(a)	Decrease in rate—  9 subscribers at \$11. 25 subscribers at \$5.50.			\$ 99	00 50
(b)	Increase in rate—			236	
	10 subscribers at \$5.50				
	Net revenue reduction			\$181	50

Following the filling of this "locality" rate, complaint was made on behalf of the trustees of Rockliffe that the existing rate was excessive as compared with the rates of raged in Ottawa. It was stated that under the increase allowed under the Boar I's judgment of 1919 the rate for the individual resident subscriber in Rockliffe was \$38.50 per annum as against \$27.50 charged in Ottawa.

The matter was listed for hearing and stood until a later date to suit the engagements of counsel.

The matter was subsequently heard and has stood for decision pending decision in the general telephone application.

The rates charged in Rockliffe were built up on the Ottawa city rate plus excess mileage beyond. The tariff provides for excess mileage beyond the municipal limits of Orawa as of April 4, 1912. This agrees with the existing eastern boundary of Orawa. Before the increase in 1919, the excess mileage charge applicable in Rockliffe was \$20 per mile, or \$5 per quarter mile. Up to the eastern boundary of the city of Ottawa, the resident in Rockliffe had the advantage of the Ottawa rate, and if resident within one-quarter mile beyond would pay \$5 and so on, according to the mileage.

When the 10 per cent increase was allowed in 1919, the residence rate became \$27.50, and adding 10 per cent to the excess mileage rate a rate of \$22 or \$5.50 per quarter mile was obtained. Under this arrangement, said rate of \$27.50, plus \$5.50, or \$33, would apply for the quarter mile; \$38.50 for one-half mile, and \$44 for three-quarters of a mile. The "locality" rate which was filled and which was taken exception to is \$38.50.

### П.

When telephone development in Ottawa began and for a considerable period thereafter, there was only one exchange which is now known as the Queen Exchange. It is in a central position and may for the purposes of comparison and measurement be taken as the central point in Ottawa. The total length of circuit from said exchange to the eastern boundary of the city, which circuit the telephone user in Rockliffe would have the advantage of on the flat rate is, with the exception of one subscriber, \$,818 feet; in the case of the one subscriber, 9,258 feet. Of this, 2,800 feet are aerial cable in Ottawa and 6,018 feet underground cable in Ottawa in each case, with the exception of the one subscriber already referred to, who had 3,275 feet of aerial cable and 5,893 feet of underground cable, these measurements in each case being to the eastern boundary of the city. That is to say, in point of equipment required for carrying the message within the city of Ottawa, each subscriber in Rockcliffe made use of the maximum length of construction from Queen Exchange to the eastern boundary of the city. Of course, many of those resident in Ottawa and connected with the Queen Exchange had a much shorter wire mileage.

In the case of the Rockliffe subscribers, the average excess mileage beyond the eastern boundary of the city of Ottawa is 2,636 feet. The total circuit outside of Ottawa varies from 139 feet to 5,200 feet. The length of drop wire varies from 80 feet to 1,900 feet; the length of aerial cable varies from 525 feet to 3,600 feet.

#### III

In attacking the existing basis of rates, counsel for the applicants, in a letter on file, says:—

"It seems perfectly unreasonable that because of a surveyor's imaginary line, irrespective of distance, and where the distances are nearer, that a public service corporation should be permitted to charge a higher rate for that service. It is a service which we pay for, not a surveyor's line. The question is, what is the service worth and for what is the same service charged elsewhere."

In the course of presentation, counsel stated that the applicants would not mind paying a reasonable increase, but thought that it was absurd that they should be asked to pay a rate such as asked for; this turning, as presented by Counsel, on a question of a surveyor's imaginary line.

#### IV

So far as the excess charges are concerned, the matter as presented fell under two headings: (1) that it was unreasonable to have the rate measured by a delimitation depending upon a surveyor's line; and (2) if applicants are to pay excess charges these should be based on particular conditions. It was suggested that while the rate of \$20 per mile, subject to increase since made, might be reasonable when there was only one subscriber involved in the service, necessitating a full mile of construction for this work, that it was not a reasonable matter to put all on the same basis where there was a situation as, for example, that one line could serve five.

The argument that it is unreasonable to have excess mileage running from a point determined by the eastern boundary of the city of Ottawa, the surveyor's line referred to, implies that the village of Rockliffe should have the same rate as the city of Ottawa.

Telephone rates in cities and municipalities have been built up on a zone basis. The nature of the telephone business in local service is such that it would be difficult, if not impossible, to grade all local exchange service on distance, and it is probable that if a scale of rates graded on distance were worked out the situation in practice would be an unworkable one. It is the practice, then, of telephone companies to define certain areas within which the flat rate applies. This may be worked out at a certain distance from the Exchange, or it may be worked out as delimited by the reundary of the municipality. In this case, the eastern boundary of the city of Ottawa applies.

It is, of nourse, obvious that in applying a zone rate there has to be some point of demarcation, because if mere proximity to a section enjoying a certain zone rate is to be taken as a reason for extending that zone rate into the adjacent section, then the same line of reasoning might be urged for further and further extensions, bringing

about an admittedly absurb situation.

In the city of Ortawa, a relatively high telephone development has been worked out, and the rates within that area have been built up not with a view to the cost of construction of a particular line, but with a view to an average; and as already pointed out the telephone users beyond the eastern boundary of the city of Ottawa heart d in R ckliffe are in the position of using within the city of Ottawa a circuit equal to the longest used in the eastern part of the city of Ottawa by the telephone user resident therein and calling up the telephone exchange.

#### V

Or April 26, 1911, the Board had before it the application of the town of North Forms requiring the Bell Telephone Company to reduce its tolls for residence and business to the same rates as applied in the city of Toronto. North Toronto was a someone manicipality with about 157 telephones. These rates as charged were the Toronto rates, plus the excess mileage from the nearest exchange. The nearest exchange was North Exchange at the corner of Haydon and Yonge streets.

The rate to North Toronto was based on the city of Toronto rate, plus the excess mileure compared from a point one-half mile air line from the North Exchange. Counsel untel that his instructions had been to apply for the Toronto rates to be made applyable to North Toronto, but on looking into the matter he could not see that he could sustain the contention; at the same time he urged that the existing disparity

in rates was too great.

The matter was dealt with in an oral judgment of Chief Commissioner Mabee. In the course of discussion, it was pointed out by the Chief Commissioner that if the result of North Toronto were not in touch with the Toronto Exchange there would have to be a separate toll for connection with Toronto, and that might work out disadrand it make to treem. It was pointed out by the company that what was wanted by the result into of North Toronto was not a local service but connection with the city of Toronto. The one-kalf mile distance from the North Exchange, as the point from which the mileage was to be compared, was the average length of all the city lines at the time the rate was established. As a result of a subsequent inventory taken by the minimal of the computed from a point .75 of one mile from the North Exchange.

In dading with the matter in his oral judgment, the Chief Commissioner asked couns I have the applicant why, aside from the question of the amount of excess mileage charge, it was not reasonable to take the average length of the city's line as the start are point for the excess mileage charge. Counsel admitted that there had to be to see into account the fact that the subscriber resident in North Toronto got the atvantage of all the city's exchanges. It was held by the Board, as set out in the judgment of the Chief Commissioner, that the proposition as made was fair, and that the telephone company was putting the user outside the city limits as nearly

as could be on the same basis as the user within the city limits.

In addition to the case above referred to, in which the principle of having excess mileage charges was approved of, other cases have also brought up the same matter.

In the case of Dominion Park, Montreal vs. Bell Telephone Company, Board's File 10501, in which judgment was rendered April 27, 1910, excess mileage charges were recognized by the Board as an existing practice.

In the Nelson Case, Board's File 13219, which was decided March 24, 1910, it was held by the Board that the extra mileage charged to Westboro was to be computed from the city limits of Ottawa as then existing.

In the Montreal Telephone Case, 15 Can. Ry. Cas., 118, which was decided in 1912,

the excess mileage computation was recognized.

In the second North Toronto Case, File 21617, in which decision was given March 8, 1913, there was an application, inter alia, to extend the flat rate of the city of Toronto to North Toronto which had recently been annexed to the city of Toronto. Although there was a considerable development in the section in question, it was held that the Board was not justified in directing the Toronto rates to cover North Toronto. Direction was given that the excess mileage should be computed from the city limits as they were January 1, 1911.

The matter was also before the Board on September 10, 1918, Board's File 3574.205, in the matter of the complaint of Mr. J. A. Scybold, Ottawa, against increase in rates for telephone service to Kingsmere, Que., from \$135 to \$197 per annum. What was here involved was the substitution of the actual rate measurement for the acrial line basis hitherto existing. No exception was taken by the Board to the

practice of having excess mileage charges.

While, as it appears to me, the material thing is the ruling of the Board as set out, e.g., in the first North Toronto case, that it was reasonable and proper to have excess mileage charges, reference may also be made to the fact that excess mileage charges, where people living outside of a developed telephone area are desirous of obtaining not a toll rate service but a continuous service with the area aforesaid, are according to the general practice, both in Canada and the United States. Some years ago I had occasion to satisfy myself of this.

Without developing the matter in detail, it may be noted that the Nova Scotia Board of Commissioners of Public Utilities, by its decision of July 18, 1919, provided for classification of exchanges. Each of these exchanges was given a defined free mileage area varying from one-half mile to one and a half miles, with a special arrangement whereby in the case of Halifax there was free mileage allowed within the city limits and within one mile of Dartmouth Exchange. For those resident in the circuit beyond the limit of free mileage and desirous of obtaining local exchange service, the rate was built up of the local exchange rate, plus a defined excess mileage charge.

Effective July 31, 1920, the New Brunswick Board of Public Utilities in its classification of Exchanges Rates and Regulations for telephone service applicable to the New Brunswick Telephone Company, Limited, provided for a grouping in six groups free mileage of one mile from an arbitrary centre being allowed in each case; and it was further provided that mileage charges will be charged for all local exchange service stations located beyond one mile air line distance from the central office or arbitrary centre of population in each exchange, measurements being based on circuit distance.

### VI

As already indicated, counsel for the applicants was of opinion that if there was to be an excess charge it should not be based upon a general excess mileage scheme but should be correlated to the particular conditions of the locality affected. The system of excess mileage charges in vogue prior to the increase in rates recently allowed, which increase is applicable on excess mileage charges as well, was one, in the case of points served from the Ottawa Exchange but beyond the free area, of \$5.50 per quarter

mile. This rate is applicable for a single-party line in Toronto, Montreal, Ottawa,

Quebec. All other exchanges had a charge of \$4.40.

The Reckliff plant has been constructed at various periods. The following material averaged on prices existing 1912-17 has been submitted showing the investments of the Bell Telephone Company in Rockliffe police village, and has been subject to check by the Board's Electrical Engineer:-

# INVESTMENT ROCKLIFFE POLICE VILLAGE, ONT.

INVESTMENT ROCKMIFTE TOUTON	Cost
Outside Line Plant  Pole Lines, consisting of— 5.25 ft. poles (20.35 " " " Anchors, guys and other attachments	\$1,555.31
Wire, consisting of— 25,600 ft, twisted pair rubber insulated	592.00
Aerial Cable, consisting of— 2,120 ft. 15 pair No. 22 gauge 1,41	
With messenger, terminals, etc	3,175.33
Drop wires, sub-station equipment and installation	\$5,322.64 1,624.61
	\$6,947.25

It is for her stated that there is an item covering cable, wire, etc., erected since 1915, amounting to \$578.93, which has been omitted. It does not appear necessary for the purpose of the conquitation made below to include this figure. In the total as given above, the item of drop wires, special station equipment and installation, imounting to \$1,624.61, enters into the total of \$6,947.25. In order to get at the plant and investment figures, the item covering drop wires, special station equipment and installation is omitted, as these items are constant and are not related to the nileage charge. At the same time, in making up an exact computation they constitute m item in connection with which the question of expenses and revenues should be considered.

Taking the plant and investment figures located in Rockeliffe village at \$5,322.64, the detail available shows some seventy-three lines in use with an average investment per line of \$72.90. As two wires are necessary for a telephone user, the mileage of openits in use within the village of Rockeliffe is a material factor. This amounts 1. 15 miles. This would give an average investment per circuit mile of \$118.26. There the same twenty seven spare pair conductors in the main cable. The cost, however. in this connection is not used as a corrective factor in obtaining the average cost per mile of circuit.

The company submits that against the \$5,322.64 of investment, there are Junual charges of approximately 21.1 per cent, or \$1.123.05. This percentage is made up of depreciation, repairs, administration, taxes and interest. While it would appear be ; " to allowate to the investment a proportion of the operating costs, this is not litte.

In the recent judgment of the Board, it was held that as an emergency depreciation " to 4 per cent should be made use of. For repairs, the company gives a Mistro inring 1919 of 5 per cent.

It states that the aerial repairs for 1920 on the average aerial plant was 6.388 · " cent.

The current maintenance charges during 1920 averaged against the average plant be service in December, 1920, checks out at 6.31 per cent.

Administration is given as 1 per cent. This on the basis of the figures for December, 1920, for general expenses checks out at .93 of 1 per cent. Taxes are shown at 1.5 per cent. This amounts to \$71.76. Interest is included at 6 per cent.

Under the Board's judgment, it was held on the evidence of the witnesses upholding the application that 8 per cent was a reasonable dividend. It was further held that a surplus of 2 per cent was not unreasonable.

The following figures may, therefore, be used:-

	Per cent	
Depreciation	4 \$212 94	
Repairs	5 266 18	
Administration	0.93 49 50	
Taxes	1.5 71 76	
Dividends	8 425 89	
Surplus	2 106 45	

The revised charges as computed above come to \$1,132.55 annually.

As set out in the company's letter, the revenue from the excess mileage charges computed on the one-half mile basis under the "locality" rate amounts to \$792, less \$25 which is paid to the Ottawa Electric Company for contract space on its poles.

The reduction in excess mileage as a result of applying the locality rate amounts to \$181.50. There is, therefore, deducting the \$25 referred to, \$968.50 of excess mileage revenue to check against costs as given above. If to the \$968.50 there is added 12 per cent, this gives a revenue from excess mileage charges of \$1,084.72 to check against the costs as already given.

### VII

The exchange tariff at present applies within the municipal limits of Hull, Que., and Ottawa, Ont., as they existed as of April 4, 1912. Outside of the base rate area as so defined excess mileage applies.

In the course of the hearing counsel for applicants referred to the fact that a telephone user in Hull had the Ottawa Exchange service without any excess mileage; and this was referred to as being the measure of the discrimination existing against Rockeliffe.

Counsel for the telephone company stated that in the days of exclusive agreements the Telephone Company had an agreement with Hull; that this dated back as far as twenty-five years. Under this agreement, Hull was to enjoy the Ottawa rate. The agreement was not renewed on its expiration. It was also pointed out that it is only in recent years that there had been a rapid development in Hull, and that the existing number of subscribers did not justify opening an exchange in that city. The situation was stated to be one which the company was considering, but no conclusion had been arrived at as to whether there would be a separate exchange in Hull with a toll rate to Ottawa, or whether there would be an exchange with a re-arrangement as to rates.

In so far as an agreement is relied upon as a justification of a difference in treatment, this is not justifiable if the difference in treatment amounts to an unjust discrimination. As was stated in the Regina Board of Trade Case, "The 'circumstances and conditions' which if not substantially similar may justify different treatment to different points, I think must be traffic circumstances or traffic conditions; not circumstances and conditions which may be artificially created by contract". Regina Board of Trade vs. Canadian Pacific and Canadian Northern Ry Cos., 11 Can. Ry. Cas. 380. at v. 391.

If the terms of an existing agreement do not justify such a difference in treatment as amounts to unjust discrimination or undue preference, the case is still stronger where the agreement has expired and an arrangement entered into in the first instance in return for consideration simply continues as a practice.

The Telephone Company has extended the base rate area so as to cover the municipal limits of Hull as they existed as of April 4, 1912. The maximum distance, air line, from Queen Exchange to the Hull city limits at present covered by this tariff is 17,300 feet; that is to say, the Telephone Company holds itself out as prepared to give a telephone service without any excess mileage charge within this distance in the city of Hull.

The city of Hull is separated from the city of Ottawa by the Ottawa river. The police village of Rockliffe is adjacent to the city of Ottawa, and the eastern boundary of Ottawa is for some distance coterminous with the western boundary of Rockliffe.

In the city of Montreal vs. Bell Telephone Co., 15 Can. Ry. Cas., 118, at p. 139, the situation was that a flat rate was extended to Montreal West, a separate municipality, while a similar arrangement was refused a section of the Montreal Exchange territory situated at a similar distance from the Main Exchange. It was held that the existing arrangement was discriminatory; and it was further set out:—

"Whatever be the exact distance from the Main Exchange to the furthest point of Montreal West which is given the flat Montreal rate, this distance should be taken as the radius of the zone to be described, with the Main Exchange as a centre from the west to the east of Montreal Exchange territory as at present constituted, and within the zone so determined the Montreal flat rates should be made applicable."

In the present instance, what is involved is the difference in treatment between one manicipality outside the corporate limits of Ottawa, the city of Hull, as compared with the police village of Rockliffe, another municipality outside of the city of Ottawa. The difference in treatment, in my opinion, amounts to an unjust discrimination. So long as the city of Hull is continued within the limits of the territory connected up with the Ottawa Exchanges and not subject to any excess mileage, similar treatment should be accorded to Rockliffe within the distance limited by the maximum air line distance from Queen Exchange to the boundaries of Hull as of April 4, 1912.

The police village of Rockliffe is a residential area which, for the purpose of telephone service is separate and distinct from the county. The various sections comprised within its area are less distant from the Queen Exchange than are the extreme limits of the city of Hull, as above referred to.

The readjustments necessitated by the finding above referred to should apply to the village of Rockliffe as at present constituted and extend no further at present. If and when the limits of the village, or whatever municipality may succeed it if there is a change in status, are extended up to a distance east of Queen Exchange equal to that now intervening between Queen Exchange and the Hull City limits as of April 4, 1912, this area will fall within the free territory of Rockliffe, or its successor, provided that the condition in respect of Hull service free from excess mileage, which is the measure of present discrimination, still exists.

The readjustment herein provided for should be effective on one day's notice.

: T'EL DEALERS' ASSOCIATION OF GREATER WINNIPEG, et al, re REDUCTION IN RATES ON COAL IN WESTERN CANADA FROM APRIL 1 TO OCTOBER 1, IN EACH YEAR

Ambaneat. Chief Commissioner Carrell, May 21, 1921, concurred in by the Assistant Chief Commissioner and Commissioner Rutherford.

This case was heard by the Board at a sittings in the city of Winnipeg on the 27th day of April last, and, in substance, is an application on behalf of coal producers and coal dealers in the provinces of Alberta, Saskatchewan, and Manitoba for a reduction in freight rates of 20 per cent on coal from all collieries in Alberta and Saskatchewan up to and including the 31st day of August, 1921.

It was alleged by the representatives of the Drumheller district that the producers would make a reduction of 70 cents per ton during this period and by Mr. Walker, who represented the coal operators of northern Alberta, that they were willing to reduce their price by 50 cents per ton on the condition, of course, that the freight rates were reduced as requested. The dealers of Winnipeg and representatives of dealers in other western cities agreed to make a reduction of 50 cents in the distribution cost during the same period.

The proposal was objected to by the railway companies, and especially by Mr. Lanigan, of the Canadian Pacific Railway Company, on the ground, first, that no great amount of coal would be moved because of the friable character of the domestic coal of the Drumheller and Lethbridge districts, and, secondly because of his belief that the dealers would only stock up with coal during the last few weeks of the period

and after the 1st of September sell for the old price.

So far as I am aware, we have no precedent for any such action, and, therefore, must approach the matter entirely anew and on the good faith of all the representations made at the hearing. The Board has power to order a reduction in rates by the railway companies, but has no power whatever over either coal producers or dealers, and, therefore, if anything be done, so far as these parties are concerned, they must be taken to be acting in good faith with the intention of loyally carrying out the undertakings which they have made and upon which this application was heard.

The application is made primarily, I presume, that the consumers in many of the western cities and towns will be able to receive somewhat cheaper coal than under present conditions, and, if this can be worked out without doing any great injury to any of the parties concerned, it is an object worthy of the most serious consideration of this Board, because the present price of Drumheller coal in Winnipeg, namely, \$15.60 per ton, is a very serious tax upon the ordinary householder and, when applied to steam coal, an equally heavy tax upon industries of all kinds requiring steam power—in fact so serious that it is doubtful if the Winnipeg market can be held for Canadian coal under these conditions.

Evidence was given as to the cost of labour in producing coal in the Alberta fields according to the instructions of Mr. Armstrong, representing the Department of Labour at Ottawa, who are the Fuel Controllers for District No. 18, and Mr. Dick, representing the coal operators of Calgary, stated as follows (p. 5716):—

"As I was going on to say with regard to labour, there is no doubt that the miner to-day is being paid out of all proportion to what skilled men are getting in other occupations. The minimum wage on the surface is \$7.20 a day, and \$7.50 a day underground. He works eight hours, from the time he leaves the surface until the time he gets back to the surface again. The miner averages \$12 a day, and many of them are getting over \$20 a day. We could remove a great portion of their argument if we could guarantee to them 300 days operations in a year. If that were the case, I venture to say the cost of coal would come down \$2 a ton at the mine below what it is to-day."

It was also stated that the operators are under contract with the United Mine Workers of America at these wages until March, 1922.

In addition to the argument that cheaper coal might thus be available in Western Canada, it was strongly alleged that every ton of coal moved up to the end of August over and above the normal amount would release just so much equipment for use in the handling of grain thereafter, and it is this feature of the question even more than the question of cost that operates on my mind in arriving at a conclusion.

It is a well-known fact that, up to about two years ago, American coal was used almost exclusively in Manitoba and as far west as Regina or thereabouts in Saskatchewan. During the past year, the Government of the province of Alberta has

been making a determined effort to capture the Winnipeg market. When American roal was used free,y, wheat and coal became a well-balanced movement. Cars came to the last fine links loaded with wheat and returned with coal; whereas, under present conditions, if Alberta coul is to be used, both movements are in the same line dup and empties must be carried from the head of the lakes to Alberta for the handling of both commodities, and, therefore, anything that will relieve the car situation in the months of September, October, and November is a matter of such great importance that I feel the Board is not only justified but should take action the end see mr. In some extern at least to prevent a recurrence of the conditions experineed in Wasarn Carada during the autumn months of 1920. It is alleged, and I Edlard truly alliged, that in very many cases, especially on the C. N. R. lines, farmers were unable to sell their wheat when they could have received from 50 cents to \$1.00 a bashel more than they afterwards received had the necessary equipment been available, but, as coal had to be provided, millions of bushels of grain were left in the elevators or in the farmers' granaries, which had to be disposed of at a later date It a grantly adjusted price. It has been brought to my attention that a Bill is now being the United States Congress to provide for a seasonal movement of coal in that country very much along the lines of that suggested in this application. realize it may result in some slight loss to the revenues of the railway companies, yet I feel the application should be granted in part as an experiment with the earnest hope that it will produce the results claimed for it and which would be of such material benefit to both producers and consumers in Western Canada.

In arriving at this conclusion, I have not been able to convince myself that any serious financial loss will result to the railways. In the first place, it is well known that there are thousands of empty cars standing on sidings all over Western Canada to-day which could be used to some extent at least in this movement, and, again, I willow that can be in the late autumn months.

I do not think, however, we would be justified in granting a 20 per cent reduction in the rates on coal, because it must be remembered that the maximum increase granted on coal by the general order of this Board, No. 208, in September last, was now 20 cents per ton, and, as the rate from the Alberta fields to Winnipeg runs from \$1.90 to \$5 per ton, the actual increase granted would amount to less than 5 per cent, whereas other commodities were increased 35 per cent up to the end of December and 30 per cent thereafter.

As before stated, this is being done entirely in the belief that both producers and balers will apply carry out their agreement, and, while this Board has no power cer them, yet it will carefully check up conditions for the purpose of ascertaining the matter in which the arrangement is carried into effect, and, in arriving at this conclusion, it is to be understood that it is purely an experiment in the hope that the barefully hereinbefore referred to may materialize. It shall not be an idered as a precedent for a reduction in the rates on coal or any other compacting in may other part of Canada, because the same conditions do not apply and there will not be, in fact there cannot be, the same equipment conditions elsewhere. Neither is it to be treated as a precedent for another year, and, unless the agreement is distribly carried out not only as to the sale of coal up to the last day of August but to the sale of coal transported under this arrangement sold after that date, future applications of this kind to this Board will be summarily dismissed.

For these reasons, I think an order should issue directing all the railway comcentes of Catada subject to the jurisdiction of this Board interested in the coal mayoners in the three prairie provinces to reduce all rates on coal from mines in Alberta and Saskatchewan to points in the provinces of Alberta, Saskatchewan, and Manitoba by 10 per cent, including coal actually billed out up to and including the filst day of August next; the companies to file tariffs to this effect, effective on the 1st day of June next.

## STANDARD TRACK CENTRES

Judgment, Assistant Chief Commissioner McLean, May 23, 1921, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Commissioners Boyce and Rutherford.

As a result of investigations by the Board's officials, the following Circular No. 157 was issued:—

"File 28290. Standard distance between track centres for construction of divisional points, terminal sorting yards and sidings.

"The Board is considering the advisability of establishing a standard distance between track centres for the construction of divisional points, terminal sorting yards, and sidings, which will provide a safe and satisfactory clearance

for the movements of trainmen and yardmen in the performance of their duties.

"Railway companies subject to the jurisdiction of the Board are requested to file their views upon the matter within thirty days from this date, stating what clearance, in their opinion, would provide the necessary room between

moving cars for the men referred to while carrying on their work."

In response to this, detailed submissions were made by the individual railways, which were in accordance with the conclusions arrived at at a meeting attended by the Engineers of the Canadian Pacific, Canadian Northern, Michigan Central and the

mendation for a minimum distance between tracks for various uses, with the proviso that these recommendations should be applied to new construction.

Main track	
Main and nassing two also	
Main and passing tracks	
Main or running track and parallel yard track	
Receiving, Classification and Departure yard track	
Parallel Ladder tracks	
Ladder and other tracks	
Freight shed tracks (A.R.E.A.)	
Passenger Station tracks (without platform between)	
Storage tracks	
Team treaks in noise	
Team tracks in pairs	

Grand Trunk Railway Companies. The recommendation which follows was a recom-

A representation is on file from Mr. Murdock, Vice-President of the Brother-hood of Railway Trainmen, stating that on account of the increased or increasing size of cars and engines the distance between parallel ladder tracks in yards should not to be less than 14 feet centres. Other representations from the Brotherhood of Railway Trainmen to the same effect have been submitted.

The matter was set down for hearing on January 7, 1919. The Engineering Departments of the leading roads prepared a statement which was filed at the hearing and which reads as follows:—

# "1. Main tracks-13 feet centre to centre.

"To place main tracks at a sufficient distance apart to render safe the occupation of the space between them by men during the passage of trains on both tracks would necessitate such a distance as to be altogether out of the question. This means that it will always be unsafe for men between tracks on main line and therefore the closer together the tracks can be placed with safety to the equipment, the less danger is there of men attempting to remain between them during the passage of trains. Thirteen feet is at present universal practice throughout America; it fulfills the requirement as to safety of equipment and is also so close as to make it extremely dangerous for men to remain between tracks while two trains are passing. It is the universal rule for railways that

men stepping uside for passing trains must step to the outside of both tracks and not to the space between the tracks. We would recommend that 13 feet be retained as the standard distance between main tracks.

"2. Main and Passing tracks.—13 feet centre to centre.

"The object of a passing track being to permit a train to stand while being met or passed by other trains gives in one sense, the same condition as obtains with main tracks, the only difference being that, in this case, one train is standing while the other is moving. This difference, however, means that men and the tracks have every torty feet throughout the length of their train a refuge into which they will naturally step to protect themselves from the resina train and the possibility of anything projecting or flying from it. We would recommend that 13 feet be established as the minimum distance between main and passing tracks.

"3. Main or Running Track and Parallel Yard Tracks.—13 feet centre to centre.

"This distance centre to centre of tracks is considered as a minimum only and is quite sufficient on light traffic lines where trains are infrequent and do not attain to high speeds customary on main lines. On main lines, all of the roads represented in this recommendation have adopted as their practice a greater distance than 13 feet, but we do not feel that anything greater than this should be adopted as a minimum.

"4 to 10 inclusive, cover tracks used for such a variety of purposes and these under such dis-similar conditions that one class of tracks in a given yard or section of the country may require an entirely different distance centre to centre from the same class of tracks in another yard or section of country.

"The requirements of storage tracks, where movements are very infrequent, may be such as to involve a tremendous waste in using anything greater than 12 feet centres.

"Freight shed tracks have been worked for years at 12 feet centres and even less, and the manner of working these should certainly determine the necessity for anything more than 12 feet at any given location.

"Team tracks in pairs it would seem need no argument as there is one clear side to each track, which should preclude the necessity for men ever having to go between the tracks themselves.

"The numbering in the above agrees with the statement attached."

In written submissions filed before the hearing, Mr. Murdock in urging that there and heart allowed observes from track centres urged that this was essential, not allow from the standpoint of safety but also from the standpoint of having sufficient than way as there is the tracks to give proper working signals to other members of the switching crew; and he emphasized again the increased size of cars and engines.

In a representation made by Mr. Best, the legislative representative of the Distinction o

At the hearing, the railways set out that without a limitation on the width of the interpretation of the value to fix a clearance, and it was represented, therefore, that the matter should stand until the question of the width of equipment could be dealt with.

come years are, the Board had before it in connection with the question of duncial cars a proposition as to limiting the size and height of cars, but it was found impossible to make direction at that time.

My. McGavana, on behalf of the men employed in train and yard service, in

widest car. A considerable amount of information was given by witnesses in regard to local conditions. Judgment was reserved.

The investigations which the Board's Engineering and Operating Departments had been conducting prior to the hearing were conducted subsequent thereto; and as a result of the material collected and evidence submitted at the hearing the following recommendation was made by the Engineering and Operating Departments of the Board:—

			Ft. In.
1.	Main tracks	 	13
	and passing tracks.		1.4
0.	(Main of running track) and parallel ward tracks		1/
2.1	receiving, sorting and classification yard tracks		19 0
6.	Storage tracks	 	13 6
7.	Parallel ladder tracks. Ladder and other tracks. Expirit shad tracks.	 	.18
8.	Freight shed tracks.	 	15
0.	Team clacks in pairs.		1.0
10	Passenger station tracks, without platform between	 	13
	Proceeding both con	 	TO

The recommendations have been checked against those applying in railway practice in the United States. Items 4 and 5, under American practice, vary from 13 feet to 14 feet. The standard width of 13 feet 6 inches, which is recommended appears to me to be reasonable. The Chief Engineer advises that the only road he knows of which is using the parallel ladder tracks is the Canadian Pacific. I am of opinion that items Nos. 1 to 10, as set out, may be accepted and order drawn accordingly.

An important question has been raised in regard to the effective date. A proposition has been placed before the Board that the tracks now in place should be adjusted to the minimum distance prescribed, such readjustments to be made by a definite date. I am of opinion that all tracks put in place from January 1, 1922, should be subject to the minimum distance set out in the extract above from the

report of the Engineering and Operating Departments.

With regard to the suggestion that the tracks now in place should be taken up and readjusted to this limited distance by the end of a definite period, on careful consideration, I have to say that I am unable to agree to this. I have a thorough appreciation of the element of human safety involved and am entirely in agreement with the proposition that the best possible precautions in this respect should be taken. The matter is not one which is measured in terms of dollars. In considering, however, the whole situation, one has to remember the effect that would be exercised on the space for cars, and the fact that established business has to be carried on. To direct that by a definite date there should be a readjustment complying with the minimum distances would dislocate business, and it would mean in various instances a serious curtailment of space. Where yard accommodation is located in a closely settled section of a city, it would mean that additional space could be obtained only at great inconvenience to the public and at almost prohibitive cost.

While it does not seem to me that a definite date can be fixed, the railway should have a continuous readjustment in mind; and I, therefore, think it would be justifiable to provide that in case of any tracks now in place which are rearranged as and from January 1, 1922, the rearrangements should be in compliance with the

minimum clearances.

Where there are existing clearances less than those recommended, the burden is on the railway, where dauger of accident arises from such clearances, to provide proper means of operating so as to adequately safeguard those who are working under such conditions.

STANDARD FREIGHT AND PASSENGER TARIFFS, LAKE ERIE AND NORTHERN AND GRAND RIVER RAILWAY COMPANIES AND GENERAL ORDER NO. 308.

Independ Assistant Chief Commissioner McLean, June 1, 1921, concurred in by the Chief Commissioner. Deputy Chief Commissioner, and Commissioner Rutherford.

Ir both of these applications, what is asked for is approval of the tariffs in question so as a permit the becoming effective on these lines of the rates authorized under General Order No. 308.

The amplications were filed subsequent to the issuance of said order. In support of them, there were submitted statements showing in the case of the Lake Eric and Northern Bailway Company the actual earnings and expenses for the year ending June 30, 1920; also a statement of estimated earnings and expenses for the year ending June 30, 1921, showing tomage for the year ending June 30, 1920, and expenses at the then existing costs, plus increases in wages to be granted.

In the case of the Grand River Railway Company, similar details were furnished, except that the comparative dates were September 30, 1920, and September 30, 1921,

respectively.

Subsequently additional statements were submitted bringing the actual results in carbon the applications down to the end of the year ending November 30, 1920, there being submitted in each case an estimated result for the year ending November 30, 1921. This assumed the same volume of traffic as in 1920 with increased rates as applied for and estimated increased operating costs.

In order that the latest possible detail for a full 12-months period should be before the Board, the railways were directed to file the actual results for the year

ending December 31, 1920. This material is now before the Board.

When the applications were launched, various protests were received. The city of B arction filed the following protest affecting both the Grand River Railway and the Lake Erie and Northern Railway:—

"That it having been brought to the attention of this council that permission has been asked of the Board of Railway Commissioners by the Grand River Railway and the Lake Erie and Northern Railway for increased rates, and as these roads enjoy a very large business and in our opinion cannot be said to compete with the steam roads, as from their favoured positions in the various towns and cities they have a very great advantage.

"These roads carry 95 per cent of the passenger business and have the field practically to themselves, and an increase in rates would be a hardship, especially to the working people who make such a large use of the electric

cars in this vicinity.

"Therefore we would respectively urge upon your honourable body that the necessity of increased rates be established before any increase is granted, and it does resolution be forwarded to the Board of Railway Commissioners."

A protest was filed by the town of Hespeler which read as follows:-

"That it having been brought to the attention of this council that permission has been asked of the Board of Railway Commissioners by the Grand Riber Railway and the Lake Eric and Northern Railway for increased rates, and as these roads enjoy a very large business and in our opinion cannot be said to compete with the steam roads, as from their favoured positions in the various towns and cities they have a very great advantage.

"These roads carry 95 per cent of the passenger business and have the field practically to themselves, and an increase in rates would be a hardship could ly to the working people who make such a large use of the electric cars

in this vicinity.

"Therefore we would respectively urge upon your honourable body that the necessity of increased rates be established before any increase is granted, and that this resolution be signed by the mayor and clerk and forwarded to the Board of Railway Commissioners."

The city of Galt filed a protest as to the increase, said protest being identical in terms with that filed by the town of Hespeler, as did also the town of Paris.

While reference is made both to freight and passenger increases, the protest as worded in reality concerned itself with the proposed increase in passenger business.

The increases allowed under General Order 308 on passenger business automatically expire on July 1, 1921; and I am of opinion that with the short time intervening an increase in this respect should not be allowed.

There remains for consideration the question of the freight rate increases.

While the type of passenger business concerned may, possibly, on account of electric traction and higher frequency of trips be differentiated from the situation so far as steam lines are concerned, it does not seem to me that the same grounds of differentiation exist in regard to freight business.

The Grand River Railway, which has some 21 miles in operation, covers a distance of 15.03 miles between Galt and Waterloo. From Galt to Kitchener, there is competition with the Grand Trunk in the carriage of freight. There is a Grand Trunk branch between Galt and Kitchener handling local freight, said branch being 12.9 miles in length. In the case of traffic originating, say, at Brantford, on the Lake Erie and Northern, the Grand Trunk branch line between Galt and Kitchener is not available on account of the river intervening at Galt, and so the traffic from Brantford to Kitchener moving over the Lake Erie and Northern would have a mileage of 33.9 as against the Grand Trunk movement, via Guelph, of 47.22 miles.

The operating revenue of the Grand River Railway Company for the year ending December 31, 1920, was \$370,253.98. Its operating expenses amounted to \$303,787.72, leaving a net operating revenue of \$66,466.26. The company submits in this statement an item for depreciation of \$11,050. Deducting this, there would be a net earnings of \$55,416.26.

The Board has so far not passed upon the question of depreciation in connection with electric railways. In the view I take of the matter, it is not necessary in the present connection either to pass upon the propriety of depreciation as a factor to be computed in electric railway business, or the rate at which it should be computed.

The company, taking the same volume of business for 1921 as for 1920, and assuming the rate increases asked for, computes a total of \$447,518.72, as against \$370,253.98 for 1920.

Attention may be drawn in passing to the fact that the increase computed in passenger business, viz., \$15,580, is computed on a year's business. If it were allowed, there would be only one month of additional revenue from this source, giving a total in round numbers of \$1,300.

Against the operating revenues of \$447,518.72 so computed, the company computes operating expenses of \$366,924.32, giving net earnings of \$80,594.40.

The company pays yearly taxes of \$6,467.38, and bond interest at 4 per cent on \$426,000, amounting to \$17,040. In addition, advances have been made by the Canadian Pacific Railway Company to the Grand River Railway Company for road and equipment. These as of December 31, 1920, amounted to \$470,000. The first advance in 1920 was made in June. Two advances in that month amounted to \$54,700. Monthly advances were made varying from \$93,000 in July to \$49,000 in September, the advance for December being \$75,000. The interest at 6 per cent on the amounts as advanced from time to time totals \$7,125. Figures are available for the four months ending April, 1921. Over and above the \$470,000 already referred to, the Canadian Pacific Railway Company has advanced to the Grand River Railway Company in the months in question \$299,000. This, if extended on the same basis

for the year Le21, could neske the debt of the Grand River Railway Company to the small of Positio Railway Company at the end of December, including the \$470,000 dressy reterral to, \$1,367,100. The debt, however, as computed is less than this, mounting to \$1,464,582, and the interest on this amounts to \$56,972.40. The operating ratio as computed on the actual figures for 1920 is 82 per cent; on the figures computed for 1921 it is \$1.9 per cent.

The estimate for 1921 as submitted by the railway is as follows:-

"ESTIMATED RESULTS YEAR ENDED DECEMBER 31, 1921, ASSUMING SAME VOLUME OF TRAFFIC WITH INCREASED RATES AS APPLIED FOR, AND ESTIMATED LARPHAGE TO DEPETING COST.

INCREASED OPERATING COST	
Operating Revenue—	
"Freight (through)	. \$221.488 37
"Freight (local)	
"Switching	
"Passenger	
"Baggage	
"Other	
	\$447,518 72
"Operating expenses	
"Net earnings	\$ 80,594 40
"Less: Increase in per diem exp \$ 4,847	60
"Depreciation	
	38,280 35
	0 40 014 05
"Further deductions—	\$ 42,314.05
"Taxes \$ 6,467	28
"Bond interest (4 per cent of \$426,000) 17,040	
"Interest on advance for road and equipment 56,972	40
	80,479 78
"Net deficit	200 105 50
	\$38,165 73

I have subjected this to revision on the basis of freight increases alone, with the limination of depreciation and increase in per diem expenses. In doing so, I express no opinion upon the propriety of these items, their elimination is simply for greater aution in an endeavour to get as exact a basis of computation as possible.

Operating Revenue—	
Freight (through). Freight (local). Switching (same as last year). Passenger (same as last year). Baggage (same as last year). Other (same as last year).	\$221,488 37 10,950 66 16,392 87 155,800 01 263 74 27,013 70
Operating Expenses (81.9 per cent)	
Net earnings	\$ 78,175 60
Taxes\$6,467 38  Bond interest (same as last year) 17,040 00  Interest on advances for road and equipment 56,972 40	80,479 78
Net deficit	

the opens has a capital stock of \$125,000. Allowing the increase in freight this increase there is, before any allowance is made for dividends on the capital stock, a deficit of \$2,304.18.

The Lake Eric and Northern Railway Company's estimated results for the year ending December 31, 1921, are computed on the same basis as in the case of the

Operating Revenue-

Grand River Railway Company. This estimate is subject, in the case of passenger revenue, to the same correction as set out in the case of the Grand River Railway Company.

The yearly taxes are \$8,585.56. The bond interest at 4 per cent on \$2,317,500 amounts to \$92,700. The Canadian Pacific has also made advances for road and equipment to the Lake Erie and Northern Railway Company. As of December 31, 1920, these amounted to \$151,000. The advances made from January down to April, 1921, inclusive, amount to \$73,000, which, if extended on the same basis throughout the year, would amount to \$219,000, which added to the \$151,000 already referred to would give a total of \$370,000 of indebtedness to the end of December, 1921. This amount is some \$13,000 less than the computation which the company gives. The interest on the debt is charged at 6 per cent and amounts to \$15,300. The operating ratio for 1920 is 84.6 per cent; as computed for 1921 it is 89.5 per cent.

The following statements show actual results for 1920 and also computation of results for 1921:—

ACTUAL RESULTS	FOR YEAR	ENDED	DECEMBER	31, 1920
----------------	----------	-------	----------	----------

Operating Revenue—		
Freight (through). Freight (local). Switching. Passenger. Baggage. Other.	\$ 99,352 20,623 3,789 199,470 149 26,428	10 15 63 00
Operating expenses	\$349,812 296,116	
Net earningsLess depreciation	\$ 53,696 12,512	
Further deductions—	\$ 41,183	54
Taxes	104,567	52
Deficit	\$ 63,383	98
ESTIMATED RESULTS YEAR ENDED DECEMBER 31, 1921, ASSUMING OF TRAFFIC WITH INCREASED RATES AS APPLIED FOR, AND E INCREASED OPERATING COST		UME
Operating Revenue—  Freight (through). Freight (local). Switching. Passenger. Baggage. Other.	\$134,125 27,841 3,789 219,417 163 26,428	19 15 69 90
Operating expenses	\$411,766 350,083	
Net earnings	\$61,682	85
	13,987	00
Further deductions—	\$47,695	85
Taxes	116,585	86
Deficit	\$ 68,890	01

I have made a revision of the estimate making deductions therefrom similar to those which were made in connection with the Grand River Railway Company's estimate, as follows:—

perating Revenue-			
Preight (through)		\$134,125	51
Freight (local)		27.841	19
Switching (same as last year)		3.789	15
Passenger (same as last year)		199,470	63
Baggage (same as last year)		149	0.0
Other (same as last year)		26,428	79
		\$391,804	27
Operating expenses (at last year's ratio 84.6 per cent)		331,466	41
Note that the second se		\$ 60.337	86
Net earnings		φ 00,001	0.0
Taxes	86		
Bond interest (4 per cent of \$2,317,500) 92,700	0.0		
Interest on advances for road and equipment 15,300	00		
		116,585	86
Deficit		\$ 56,248	00

The company has capital stock of \$1,500,000 outstanding. On the revised computations as shown there is with the allowance of increase in freight rates and in advance of any payments of dividends a deficit of some \$60,000.

I am of opinion that the increase in freight rates authorized by General Order No. 308 is justifiable here; and the same may become operative in the case of both of these railways on compliance with the requirements as to statutory notice in the Canada Gazette.

OPERATION ONE-MAN OPERATED CARS OF ST. THOMAS STREET RAILWAY OVER CROSSINGS OF

PERE MARQUETTE AND LONDON AND PORT STANLEY RAILWAYS ON WILSON

AVENUE, TALBOT STREET, WELLINGTON STREET, AND ELM

STREET, ST. THOMAS

A. Penant, Assistant Chief Commissioner McLean, June 4, 1921, concurred in by the Chief Commissioner and Commissioner Rutherford.

Amplication was made by the city of St. Thomas, Ont., to operate the P.A.Y.E. one man operated cars of its street railway over the Pere Marquette tracks on Wilson avenue, in said city; also over the London and Pert Stanley Railway tracks at Wellington, Talbot and Elm streets, all in the said city.

In the matter of the crossing of the Pere Marquette tracks on Wilson avenue, Order 2.877 of July 15, 1920, issued providing that the operation was to be allowed for a seriod of three months from the date of the order; and providing, further, that in addition to the watchman then employed at the said crossing by the Pere Marquette Company the applicant was, at its own expense, to provide a watchman between day hours of 6 p.m. and 12 p.m., or until such time as it ceases operating street cars.

Order No. 29859 of July 15, 1920, issued authorizing the operation, during a three nombs period, of the cars of the St. Thomas Street Railway over the tracks of the London and Port Stanley Railway on Wellington street. It provided, further:—

"2. That, in addition to the watchman already provided at such crossing by the London and Port Stanley Railway Company, the applicant provide a watchman between the hours of 6 o'clock p.m., and 12 o'clock p.m.; the said watchman to have charge of the railway traffic as well as the street traffic; and

the cars of both companies to come to a stop before crossing and the railway employees to be governed by signals from the said watchman before proceeding over the crossing.

"3. That the wages of the said watchmen be borne and paid one-half by the applicant and one-half by the railway company."

The applications as to the crossings on Talbot street and Elm street were dealt with by Order 29860 of July 15, 1920, and Order 29876 of July 15, 1920. These orders also provided for the authorization of the operation asked for for a period of three months. Order 29860, as to Talbot street, provided as follows:—

"2. That the day and night watchmen at present installed at the said crossing have charge of the railway traffic as well as the street traffic, the railway employees to be instructed that they are to be governed by the signals and instructions of such watchmen; the cars of both companies to stop before proceeding over the crossing, and to be governed by signals from the watchmen.

"3. That the cost of the said watchmen be borne and paid one-half by the applicant and one-half by the London and Port Stanley Railway Company."

In the case of Elm street, Order No. 29876, the order provided as follows:-

"2. That the applicant, at its own expense, erect a semaphore in the angle of the said crossing, with a single arm and light arranged so that it will stand normally clear for the London and Port Stanley Railway and against the St. Thomas Street Railway; and that, before street cars proceed over the crossing, the car operator shall stop his car 30 feet clear of the nearest rail of the London and Port Stanley Railway, and go forward and set the signal against that line, then take his car across, stop it again the same distance (30 feet) clear, and restore the signal to its normal position before leaving."

From time to time, orders have been issued granting various periods of extension. Under date of March 3, 1921, the St. Thomas Street Railway, the London and Port Stanley Railway and the Pere Marquette Railway were instructed to furnish the Board with full report as to the successful operation, or otherwise, of the existing arrangement.

The information is as follows:-

Wilson Avenue.—The Street Railway stated that the operation of the car had been a success in every way, and it was believed was greatly appreciated by the people. It was stated that one accident had occurred on October 19, 1920, at 9.15 p.m., it being set out that this was due to the Pere Marquette watchman giving the street railway motorman at Wilson avenue crossing a signal to go ahead. The street car was run into by the Pere Marquette engine backing down without any light on it, and it was, therefore, not noticed by the watchman or motorman. There were no passengers in the car at the time, and the only injury was to the street car.

The Pere Marquette in its answer sets out:-

"1. That the application of the city of St. Thomas for permission to operate one-man cars over Wilson avenue should be denied for the reason that the applicant seeks to lower the cost of operation by adopting a method which greatly increases the dangers to passengers".

"2. The said Pere Marquette Railway Company submits that the application should not be granted unless the crossing be protected in some manner equal to the protection afforded by having the street cars operated by a full

crew".

"3. The Pere Marquette Railway Company submits that if permission is to be granted to applicant to operate one-man cars over Wilson avenue, the

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erder sould require the crossing to be protected by the Street Railway Company from three o'clock in the afternoon instead of from six o'clock. This is being done at the present time and it more equally divides the time between the applicant and the Pere Marquette Railway Company".

The Board's Inspector who has gone into the matter reports as follows:-

"I went out to Wilson avenue crossing and stayed there some time watching the operation. I found that there was a watchman coming on duty at 6.35 a.m., and he worked continuously until 2 p.m., when a section-man came on duty from 2 until 3 p.m., when the regular "night watchman" took charge and worked from 3 p.m. to 11.35 p.m., when the last street car for the night passed; this service is perfectly satisfactory. The city, I understand, pay their share of the expense of watchmen. I took the matter up with Mr. Doherty, city solicitor for St. Thomas, and he stated that the city was willing to continue paying their share of the cost of protection. The system working as it is at the crossing is perfectly satisfactory and safe, and, personally, I think it should not be interfered with, and the order should be made permanent as per request".

In regard to the crossings of Talbot street, Elm street and Wellington street, all of which are arross the tracks of the London and Port Stanley Railway, the answersulmitted by the street railway are, in effect, that the operation has been successful in every respect, and that no accidents have taken place at these crossings. The London and Port Stanley Railway has not filed any objection to the existing arrangement or any comment upon the situation to which its attention was drawn by the Board's letter as already referred to.

The report of the Board's Inspector as to these crossings is that the arrangement

is giving satisfaction and is, in his opinion, a thoroughly satisfactory one.

While it has been set out by the Pere Marquette that there has been in practice, a medification of the basis of contribution to the cost of watchmen at Wilson Avenue, as provided for in Order No. 29877, the Board is informed by the city of St. Thomas that "there has been no arrangement made between the city and the Pere Marquette Railway Company by which the city has agreed to pay the services of the watchmen at the Wilson avenue crossing from 3 p.m. to 6 p.m.;" and it is further stated that there has not in practice been any variation from the basis of contribution provided for in Order No. 29877.

The basis set out in Order No. 29877 was spoken to. I do not feel justified, in the present instance, where the Board is acting of its own motion, in recommending that the basis so arranged should be departed from.

I am of opinion that instead of renewing from time to time the various orders one erned, orders should now, in each case, issue authorizing, pending further order of the Board, the operation as at present authorized.

# Re reduction in the express classification of ice cream

June 6, 1921, concurred in by the Assistant Chief Commissioner and Commissioner Rutherford.

This case was heard at Ottawa on the 27th day of October last, and, in substatice is an application of the manufacturers of ice cream that this commodity should be placed in the second class for express purposes and not in the first, the contention being that as ice cream is a food, it should be placed on the same footing for express charges as most other food products.

Practically the whole object of the applicants at the hearing seemed to be to establish the fact that ice cream was a food. I felt then, and now feel, that it was unnecessary to have gone to all the trouble because every person knowing the component parts of ice cream must admit that it possesses food value of a very high order. On the other hand, I cannot get away from the idea that ice cream is essentially a luxury.

It was argued very strenuously, and no doubt is true, that in hospitals it is used to some extent as a food and that, in many cases, with delicate children, they may be induced to partake of milk and cream in the form of ice cream which they would refuse in their ordinary condition, but these instances must be very rare, and, in my opinion, are not such as to place it in the category of an ordinary food product.

From a somewhat intimate knowledge of the manner in which this product is consumed in the country, I consider it a luxury just the same as soda water or candy. Ice cream is shipped in bulk, usually in 5 gallon cans. It goes to hotels, restaurants, ice cream parlors, etc., and is served out in very small quantities at a tremendously increased rate over the original cost of the article, and a reduction in the express rate, in my opinion would in no case inure to the benefit of the ultimate consumer but would simply be an added profit to the manufacturer and the middleman. For these reasons I think the application should be dismissed.

APPLICATION NATIONAL DAIRY COUNCIL OF CANADA FOR REDUCTION ON ICE CREAM AND RETURNED EMPTIES

Judgment, Chief Commissioner Carvell, June 6, 1921, concurred in by the Assistant Chief Commissioner and Commissioner Rutherford.

This case was heard by the Board at Ottawa on the 3rd day of November last, and it was suggested by Mr. Commissioner Rutherford that the parties should get together and attempt to arrive at a settlement. After a number of attempts, they met at Montreal on the 25th of February, but no agreement was arrived at.

In substance, the application is a request that whenever the handling of ice cream and the return of the empties is performed by the manufacturer at a point where wagon service exists, there shall be a reduction in the rate of 10 cents, and 5 cents respectively, and, when the case was first presented, the proposal seemed very reasonable to me.

Suggestions somewhat along the same line were made to the Board a number of times during its trip to Western Canada in the month of October last and the same principle was argued in extenso in the recent Express Judgment. In view of the decision in that case, I fail to see how this present application could succeed.

It was claimed by the manufacturers that this service could not be properly handled by the express companies during the hours of the day when the wagon service is in operation, viz., from 8 a.m. to 5 p.m., as the goods have to be packed in the night and transported to the railway station in order to catch the early morning trains to country points, and, when we consider the fact that the Neilson Company of Toronto handles as high as 800 packages per day and the Ottawa Dairy Company of Ottawa from 300 to 400, it is quite evident this contention is true, and it was not seriously controverted by the express companies.

On the other hand, the express companies hold themselves in readiness to handle all this business according to the existing rates during the day time as above mentioned, and the express companies contend that, if a concession were made to the ice cream manufacturers, it would be impossible to refuse it to shippers of other commodities, such as departmental stores, etc. The result would be a chaotic condition of business which would entirely disrupt their whole express service at large centres.

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It is phase of the question which influences me more than anything else in arrying at a conclusion in this matter. The express companies are bound under the statute and the decisions of the Board to furnish wagon service capable of taking care of all the business that may offer, and, if this concession were granted to ice cream manufacturers, I fail to see how it could be refused to others. Any shipper would then be in a position to demand the service from the express companies when it suited him, and could do it himself when more convenient, the result being that the express companies would be compelled to keep on hand horses and equipment sufficient to most the maximum demand, much of which might be unemployed during a portion of the time, entailing an unnecessary cost on other express business.

For these reasons, and in view of the decision of this Board restoring the cartage differentials at non-cartage points, it would be entirely inconsistent to grant this application, and therefore, it should be refused.

Assistant Chief Commissioner McLean: In the ruling of the Board in Re Express Charges Virden to Cromer via Canadian National Express. File 29040.24 thands Orders and Andronents, January 15, 1920, p 367), the following expression of opinion was given by way of ruling "where the express company maintains a cartage service which the shipper does not see fit to take advantage of, this does not justify the reduction asked for." While the matter involved arose in connection with the question of the cartage differential service since abolished, the principle enunciated is of general application and applies to the present case. I agree in the decision of the Chief Commissioner.

W. MALCOLM MACKAY, LIMITED, ST. JOHN, N.B., V. CANADIAN PACIFIC RAILWAY CAR RENTAL.

Indgmen'. Assistant Chief Commissioner McLean, June 8, 1921, concurred in by the Chief Commissioner and Commissioner Boyce.

Demurrage accrued in connection with certain cars of lumber shipped by the pplicant. There is outstanding to the railway company some \$724 on this account. The applicant contends that he comes within the provisions of an agreement whereunder twenty days free time was allowed in connection with export shipments.

Under date of October 24, 1919, an agreement re demurrage was entered into retween the Canadian Railway War Board and specified steamship companies handling

cargo from Atlantic ports. Under this agreement, it was provided:

"1. It is mutually agreed between the Canadian Railway War Board acting on behalf of the railways, members thereof, and the steamship companies concerned, namely, the Canadian Pacific Ocean Services, Limited: The White Star Dominion Line; the Robert Reford Company, Limited; The Canadian Covernment Merchant Marine; McLean Kennedy Company, Limited; Furness, Withy Company, Limited; Canada Steamship Lines, Limited; Compagnie Canadienne Transatlantique, Limited; New Zealand Shipping Compary, Limited; and Elder, Dempster and Company, Limited; that cars containing freight for British countries (other than Canada) and foreign countries bother than the United States), including that for Newfoundland via Halifax, Montreal and North Sydney only, and for the islands of St. Pierre and Miquelon via Halifax or North Sydney for transhipment to ocean vessels, whether moving on through bill of lading or otherwise, which are held on railway tracks at Atlantic ports awaiting vessels or for other reasons beyond the control of the railways, shall be allowed twenty (20) days' free time from 7 a.m. following date of advice of arrival at such port, exclusive of Sundays and legal holdays, after which a toll of two dollars (\$2) per ear per day or fraction thereof shall be charged for all time in excess of free time exclusive of Sundays and legal holidays."

Clauses 3 and 4 of the agreement have the following provisions:-

"3. If for any cause chargeable to the railways, cars do not arrive at seaboard in time to connect with the advised sailings as provided above, the free time shall be computed from the next regular advised sailing date, not to exceed twenty (20) days as above mentioned."

"4. The steamship companies on their part agree that where such companies are responsible for delay to cars beyond the initial twenty (20) days' free time, they will pay the railway companies demurrage accruing after expira-

tion of such free time."

The wording of clause 4, it will be noted, sets out that it refers to delays for which the steamship companies are liable and the obligations in connection therewith.

Applicant contends that when a freight agreement was entered into by him with any of the steamship companies concerned he became a party to the arrangement entered into between the steamship companies and the exporters, and had a right to the twenty days' free time.

The contention of the railway concerned—the Canadian Pacific—is that the agreement in question was between the transportation companies, and that the appli-

cant had no standing in connection therewith.

The matter has been dealt with by written submissions. The applicant's position is more fully set out in his letter of November 24, 1920, which reads as follows:-

"We regret the very long delay in replying to yours of June 29 and August We have had some difficulty in getting the railway bills collected, but enclose them herewith. Nine of the cars were loaded at Cardigan on the Gibson Branch of the C. P. R., two at Pinders on the Southampton Branch nearby, and four at St. George on the Shore Line Division of the C. P. R. here. We cannot supply you with the original bills of the latter four cars as they have been sent to the people we bought the lumber from at New Haven, Conn."

"We enclose copies of correspondence with the C. P. R. in connection with these matters, and you will note that nine of the cars went to the ss. Zekri for South Africa, and the other six to the ss. Dunaff Head, for Belfast, Ireland."

"In bringing lumber to St. John for export, it is seldem possible to bill them direct to the steamship lines as we cannot tell from time to time which Port stock is to be shipped to. Steamships generally require lumber in a hurry and give us very short notice, therefore we have to keep a supply in transit to be apportioned to whatever lines call for it first. Of course there are some lots which we can bill direct to the vessels but in most cases the procedure has to be as above. On receiving an order from the steamship lines for stock to fill space chartered and which space has no definite date of shipment, we can then supply them with the car numbers, but it is impossible beforehand on account of the above, and the steamship companies would refuse to accept cars unless billed to definite destinations.

"In sending stock alongside ships we pay the freight and order the cars through the railway office, and then state car numbers to the steamship companies who in turn give the railway the delivery orders as stock is required alongside.

"If there is any other information that you desire, kindly advise us, and we will be glad to furnish it."

Since the receipt of this letter, the correspondence has been continued. The most ecent communication from the applicant which has been received within the last wo weeks reads as follows:-

"Again referring to yours of March 9, we beg to submit as follows:-

"Mr. Frimmet has evidently been misinformed, as the facts of the matter are that hand reposigned a the steamship companies was allowed the twenty days' free time.

"For reasons explained to you previously, we were unable to consign our shipmonts lived to seconship companies, and we think that a mere matter of billing should no debur us from the same privileges said steamship companies had on this commodity.

"For years there has been a free time allowance on lumber per the Intercolonial Beilmay for expert from St. John, Halifax, Pictou, Pugwash, Miramieri, etc., at one time as much as twenty-five days. This was reduced to ten days, and the Canadian Pacific made the allowance accordingly.

"But as the steamship companies were allowed the twenty days under the agreement of November 1, 1919, we feel that we certainly are entitled to the same on liner shipments.

"Trusting for a favourable decision from your Board, we are,

"Yours very truly."

The applicant, as pointed out, alleges that he has the right to the twenty days' free time. In the view I take of the agreement, it seems to me that the fundamental matter is, what was covered by the agreement?

While the transaction was concerned with the Canadian Pacific, reference must in the first instance be made to the tariffs of the Canadian Government Railways. The reasons for this will be later apparent.

A special freight tariff, C.R. 179 of the Canadian Government Railways, was offering the February 5, 1718. This is a special freight tariff providing car demurrage regulations are carbond traffic at tide-water ports. This provided, in the case of boards, box books, doals tash, picket, pit preps, and square timber a free time allowance of ten days. This free time allowance of ten days runs from the date of arrival and applies at a group of 11 ports, St. John and Halifax being included in the list.

The same tariff carries a notation as to "All other traffic". It provides at Halifax and St. John in respect of shipments from points within 400 miles from the sealerant part via which traffic is to be exported, a free time allowance of ten days from date of arrival; and, further, provides that in case of points over 400 miles from the scalerard part via which traffic is to be exported fifteen days from the date of arrival. This is the car demurrage tariff which was operative on the Canadian Government Relieweys at the date when the agreement already referred to was entered into. The agree ment was executed October 24, 1919, and was to be effective November 1, 1919.

The first tariff reference I find to the agreement is set out in Canadian National Railways Tariff C.R. 17, which cancels C. G. Railways C. R. 179, already referred to. C. R. No. 17 issued December 30, 1919, and was effective February 1, 1920. The tariff is a special freight tariff providing car demurrage regulations on carload traffic at the description of the set of lumber already referred to free time allowant and future on subpard points, including St. John and Halifax; and provided the careful of the free time allowance of five days from date of arrival. Further provisions is made by note 1 that after expiration of the free period named, car demurate will be a reced at the sate of \$1 per car per day, or fraction thereof. This is the same rate which applied in the case of Tariff C. R. 179.

in the case of "All other traffic" provision is made that there shall be applicable at Hallfax, St. John or North Sydney "Demurrage regulations as per the agreement between the Canadian Railway War Board and steamship lines."

It appears then, that the first tariff sanction given to the agreement was by tariff effective February 1, 1920; and it further appears from an analysis of the said tariff that the provisions of the agreement did not apply to lumber. It may be noted in passing that in said tariff hay is given the same treatment as lumber.

In a communication from the Board, the applicant was asked to state the number of carloads of lumber referred to. The applicant replied to this furnishing correspondence showing that under date of February 20, 1920, the terminal agent of the Canadian Pacific Railway Company at West St. John was written to informing him that applicant has in his yard nine cars of lumber "which may be required" for ss. Jekri. On February 25, 1920, a communication was addressed to the Elder Dempster Company, which covers in part the cars already referred to and adds three more for shipment by ss. Jekri. On April 14, 1920, the terminal agent of the Canadian Pacific Railway Company at West St. John was written to by applicant informing him that he had at West St. John 8 cars intended for ss. Dunaff Head.

There has not been submitted to the Board the dates when the demurrage accrued, but the statement set out shows that the first notification to the railway as to the cars available for shipment was on February 20, and, as has been pointed out, C. R. 17 was effective February 1, 1920. It is clear that under the Canadian National Railway tariff the agreement relied on did not apply to lumber.

There is no tariff of the Canadian Pacific giving any sanction whatever to the agreement. The Canadian Pacific states that the Canadian National Railways having published a tariff allowing ten days free time at St. John, Halifax and Sydney in the case of export lumber, and averaging \$1 per day for delay beyond the ten days, this scale was adopted by the Canadian Pacific, and the charges were made accordingly. The railway states, however, that no such tariff was ever published by it. The tariffs of the Canadian Pacific have been checked and the Board finds no record of a tariff allowing ten days' free time at St. John, Halifax and Sydney in the case of export lumber.

At the time the cars were available for movement as represented in the record placed before the Board, the Canadian National tariff C. R. No. 17 only allowed tive days' free time.

In the absence of Canadian Pacific tariff dealing with the question of free time on export lumber, recourse must be had to the demurrage rules. By exception 2 to rule 3 of said rules, provision is made for five days' free time being allowed at Montreal and at tide-water ports for unloading lumber and hay for export.

As a matter of tariff construction, I am of the opinion that this is the provision which applied in the case of the Canadian Pacific Railway Company. In making an adjustment on the basis of ten days' free time something was done which was in ease of the provisions of the demurrage rules. I am unable to find any tariff sanction authorizing, as requested by the applicant, the application of the twenty days' free time under the agreement to the shipments involved in the present application.

CANADA WEST COAL CO., LIMITED, AND INTERNATIONAL COAL AND COKE COMPANY, LIMITED,
RATES ON COAL FROM LETHBRIDGE AND THE CROW'S NEST DISTRICTS TO WINNIPEG AND
INTERMEDIATE POINTS

Judgment, Chief Commissioner Carvell, June 8, 1921, concurred in by Commissioner Boyce.

At the sittings of the Board in Winnipeg on the 27th April, Mr. Hough, K.C., on behalf of the applicants, submitted a memorandum pointing out that the rate on that from the Lethbridge and Crowsnest mines was greater than that from the Drumheller and Rocky Mountain districts to Winnipeg, although the mileage from Lethbridge was less than that from Drumheller, claiming discrimination and asking that

I rishrid e and Crowsnest rates be reduced to the Drumheller rate. No notice had buen served upon the railway companies, and, therefore, they were given an oppor-

tunity to reply, which they have now done.

On examining the facts as presented, I am unable to conclude that discrimination exists. It seems that, in the Western Rates Case Judgment of 1914, the rates on condition L. L. ride to Winnipez were established on a uniform basis of 55 per cent of the 10th class standard rates, which is the present C.P. R. tariff. At that time, a lower loss's was in every from Drumheller than this standard would produce. As all and rate were increased by Order in Council P.C. 1863, and also by the Rate Judement of S. domber last, the difference between the two rates, no doubt, has somewhat increas it. In the Bard's judgment in the Western Rates Case of 1914 the following appears:-

"and, where, in same isolated cases, the companies for some specific reasons, have an existing rate lower than the basis now prescribed, the existing rate shall be continued."

and, in the Rairl's General Order No. 125, dated May 30, 1914, some months prior to the judgment above referred to, the Board positively ordered as follows:-

"and it is further ordered that, for a period of two years from the date of this order, no rates at present in effect west of Port Arthur, Ont., be increased without the approval of the Board."

It. I rates now existing are proper and legal under the

existing orders of the Board.

His rimin is a sileged in that the Canadian Pacific Railway Company is charging a patter rate on coal from Lethbridge than is the Canadian National from Drumheller, but I do not understand that a rate charged by one railway which may be produce the same service can be considered discrimmatory of the C.P.R. were hundling coal from Drumheller at the C.N.R. rate and companies a greater around from Lethbridge, a shorter distance, I think it would be a proper case for consideration by the Board on the ground of discrimination, but that point has not yet been reached, and, should the C.P.R. get into the Drumheller field, as I presume it will in the near future, probably this matter will have to be finally decided. Therefore, I think the application should be dismissed.

Re ruling of c.f.a. that section 14 of the board's general interswitching order NO. 252 IS CONSTRUED TO AUTHORIZE THE LOCAL ROAD HAUL SCALE OF 24 CENTS FIRST-CLASS AS THE "ORDINARY PUBLISHED RATE OF THE INTERCHANGE."

Charles McLean, June 15, 1921, concurred in by the Chief Commissioner and Commissioner Boyce.

This matter came up in connection with an application for a ruling of the Board in the matter of proper switching charges in connection with a shipment of excelsior La Domey Prod. Limbed. on Grand Trank team track at Jefferson Avenue, Parkdale, to be shipped via C.P.R. to Edouard Fournier, Montreal.

and a common Order No. 252 a cling with interswitching of freight traffic

"Should a team track shipper expressly order his shipment to be interswitched to another carrier, notwithstanding that the initial carrier upon whose team tracks the car has been loaded can furnish at the destination theren. Hell or through its connections or by interswitching, the same lalivary and haddles as the said other currier at no greater charge, the said

initial carrier may, in lieu of the toll prescribed in section 6, charge and collect its ordinary published rate to the interchange, which rate shall be a lawful additional charge against the shipment;

"Provided, however, that this alternative shall not be lawful, and section 6 shall apply, if within forty-eight hours after the shipper has requested it the said initial carrier fails to place a suitable car reasonably convenient for loading."

What is involved in the present application is the construction of the words

"its ordinary published rate to the interchange."

When the application was launched, it was stated that the car of excelsior had been loaded on the Grand Trunk team track at Jefferson avenue, located adjacent to the applicant's works in Parkdale, for Edouard Fournier, Montreal, Quebec. Owing to the consignee's place of business, 80 Rue Clarke, being much closer to the Canadian Pacific Railway's team tracks than those of the Grand Trunk, he ordered shippers to ship via the Canadian Pacific to avoid the higher cost of cartage from the Grand Trunk terminal as compared with the Canadian Pacific. Excelsior is an "exception" under the cartage tariffs and not subject to the general rate.

In the application as launched by Mr. Marshall, it is stated that the Grand Trunk assessed its full mileage 5th class rate of 12 cents per 100 pounds, claiming it was entitled to this under section 14 of the General Interswitching Order. Mr.

Marshall continues:--

"We hold it is open to question whether the team track interswitching charge of  $1\frac{1}{2}$  cents per 100 pounds should have been assessed, but in any event that the 5th class rate of  $5\frac{1}{2}$  cents for the movement between Parkdale and Bathurst Street-under G.T.R. Local Switching Tariff S-131, C.R.C.E.-4133, should not have been exceeded."

On taking the matter up with the railway, it was stated that the matter was under consideration by the Freight Committee of the Canadian Freight Association; but in the meantime, and without prejudice, the division freight agent at Toronto had been directed to adjust the charge to the basis of 5½ cents per 100 pounds as claimed.

Subsequently, the Board was advised by the railway company that on consideration by the railways the opinion was that where traffic was loaded on team tracks and switched to a connection to enable the latter to obtain the road haul to a common or competitive point which can be reached by the switching carrier and delivery required given, the local road haul scale of 24 cents per 100 pounds first-class should be applied.

While the complaint was launched in the first instance against the Grand Trunk, counsel for the Canadian Pacific discussed the matter of principle involved.

Originally, at interchange points no uniform rate for switching service was in effect. The Board has dealt with the matter by general orders. The order which at present deals with the rates and conditions of interswitched freight traffic is General Order No. 252, of October 26, 1918.

Local switching for individuals or firms is distinguished from interswitching for another railway. Under tariffs now applicable, the railways have subdivided the local switching under the headings of interplant, intraplant, reconsigning, and reshipping

switching.

The minimum class rates which the companies contend should apply are those established by Order in Council P.C. 1863. This minimum scale made a very sharp increase in the rates for short distances. The first draft local switching tariffs presented by the railways contained the minimum rates based on P.C. 1863, provision being made for these rates to be charged in the absence of lower specific switching

rates. The matter was adjusted, however, by providing that in the case of local switching the best of old best standard class rate of 1917, plus the 15 per cent and 25 per out in the case of an increase over 1947 rates averaging a little over 43 per cent.

The connection of Mr. Marshall that it was an open question whether the team track place to the action pounds should have been assessed does not appear to me

to be tenable.

the survive of head saitabiling and in the case of the movement herein involved, the survive of he same varying only in respect of distances. The local switching rates are publically and according pullication where no rate for a specific movement is headers. The plant of a riving performed is the same whether the car is moved to a transfer track of a connecting company.

I am, therefore, of the opinion that on the movement involved "the ordinary published and" as referred to in section 14 of the Interswitching Order is the rate that sould be ordinarily charged for the same movement as a local switching and

not an interswitching operation.

## APPLICATIONS ABRAHAM YACOWAR AND SAMUEL YACOWAR FOR FARM CROSSINGS

And we all the missioner Bouce, June 29, 1921, concurred in by the Chief Commissioner, Deputy Chief Commissioner, and Commissioner Rutherford.

There are two applications for farm crossings. The first is by Abraham Yacowar, who is the owner of the N.E. of section 20, Township 20, range 28, west 3rd M. The second application, which is sought to be tied on to the first, is by Samuel Vaccourt. In the control of Abraham Yacowar. Samuel being the owner of the S.E. and S.W. 4 of 20-20-28, W. 3rd M.

The ratival inverses the lands of Abraham Yacower, N.E. \\ 20-20-28, cutting it in that from northwest to southwest through part of the cultivated land at the northwest conser, and thence through the pasture land, cutting off that part of the pasture and lying northwest of the ratiway from the well which is southeast of the railway on this quarter-section, and thereby depriving Abraham Yacowar of the right of access to the well for watering his cattle.

The railway also cuts through the lands of Samuel Yacowar—the southerly half of section 20. The fine, after leaving Abraham Yacowar's N.E. I traverses Samuel Yacowar's S.F. as the N.W. corner and continuing traverses Samuel Yacowar's S.W. and etc. S.W. angle; also, as he complains, cutting off his pasturage from outer. It is contouled, and representations are made by the respective applicants, that they hald the mode section 20 in partnership—that is, apparently, they share the profite or work at two half-sections owned by each brother together, although they have section titles to each half-section and made separate right-of-way agreements incident to their respective holdings with the railway company.

Sections 2.2 and 2.5 of the Railway Act do not contemplate the granting by this Board of one farm crossing from the lands of one person to those of another person. The powers vested in this Board by these sections extend only to cases all to the lands of one person are severed by the railway and access is necessary from the part of the lands of that person to the other part of his land. I am, therefore, of opinion that the question of partnership, or community holding, or sharing in profits, and of he considered as regards these applications, and that they must be dealt with separately as regards the relative rights of railway company and owner of each portion of the section through which the railway passes.

The railway does not touch the N.W. 4 of section 20-20-28, W. 3 M., owned by Abraham Yacowar. As regards the N.E. 4 of 20, covered by the application of

Abraham Yacowar, there is clearly a case made out for a farm crossing. As I have pointed out, there is at the northerly portion of this quarter-section an area of cultivated land traversed by the railway. The remainder of the quarter-section is pasture land divided by the railway, and thereby cutting off from water.

Under section 272 it is obligatory upon the railway to make crossings for persons across whose lands the railway is carried, "convenient and proper for the crossing of the railway for farm purposes." There should, therefore, be an order upon Abraham Yacowar's application, that the railway company furnish and provide, at its own expense, on or before the 15th day of August next, a convenient and proper crossing, on the N.E. 4 of section 20, township 20, range 28, west of the 3rd meridian, at such point as may be mutually agreed upon between the railway company and the owner. If the parties do not agree upon the location of the crossing (i.e., a level farm crossing) the location of such crossing shall be settled by an engineer of the Board. The crossing to be protected by gates and to be kept closed by the owner; and, as provided by subsection 2 of section 272 of the Railway Act, whenever live stock is using the crossing they shall be in charge of some competent person who will take all reasonable care and precaution to avoid accident. The applicant asks for an undercrossing, or subway, but the profile shews, and the engineer reports that the contour of the land does not lend itself to any such crossing, which in any event would be expensive, and under the circumstances unnecessary. The crossing, therefore, will be at rail level.

As regards Samuel Yacowar's application, he asks that the railway company construct a cattle pass-under grade, in the S.W. 4 of 20-20-28 W. 3rd, or, in the alternative, that the railway company provide a good well on the N.W. 4 of the same section, sufficient for the watering of his cattle. He states that the latter alternative will be just as cuitable, as he could water his stock on the north side of the railway's right of way. The Engineer reports, as regards this application, that it is possible at a point near the 20-mile post to put in an under crossing for cattle to pass, six feet high and five feet wide, there being a fill on the railway crossing this land of approximately nine feet, rendering such an under crossing possible, if desirable. Such a crossing, the Engineer reports, would cost about \$4,000.

I am of opinion that this Board has no jurisdiction to order the railway company to provide the alternative remedy asked for, viz., a well on the N.W. portion of this If such an alternative is acceptable to the railway company, and is complied with by the company to the satisfaction of the applicant, it can be accepted by the applicant as a discharge of the order which I think ought now to go, directing that the railway company provide, at its own expense, on or before the 15th day of August next, a suitable, convenient, and proper crossing, at rail level, between the S.W. and S.E. quarters of 20-20-28, W. 3rd, the property of Samuel Yacowar, at such point as may be mutually settled between the railway company's representative and the owner, and if no agreement can be reached between them, by an Engineer of this Board. The same provisions and conditions as to protection of the crossing and personal conduct of cattle in the first case to apply to this case. I do not think that the necessities of the case call for any such large expenditure as would be involved by the only possible under-crossing referred to. The cost of such an under-crossing would probably be nearly as large as, if not more than, the full value of the laud, and I think a crossing at rail level can be made, which would be within the meaning of the section of the Railway Act applicable thereto-" convenient and proper for the crossing of the railway for farm purposes."

Separate orders should go providing for the above.

Note.—The order, in the case of Samuel Yacowar, to contain a clause giving him the option of constructing an under-crossing at the point located by the Engineer, at his own expense. The railway company to contribute to the cost of such undercrossing the cost of a crossing at rail level.

APPLICATION ONTARIO FRUIT GROWERS' ASSOCIATION, et al, FOR RESTORATION BY EXPRESS COMPANIES OF PREVIOUS ARRANGEMENTS FOR UNLIMITED UNLOADING OF CARLOAD FRUIT AND VEGETABLES FROM STATIONS IN ONTARIO TO POINTS IN MARITIME PROVINCES AND WESTERN CANADA.

## Judgment, Chief Commissioner Carvell, July 6, 1921

For many years prior to 1919, fruit growers in the Niagara peninsula of the province of Ontario have enjoyed the privilege of forwarding their fruit to points in the Maritime Provinces as well as points in Manitoba and other portions of Western Canada by express at carload rates regardless of the quantity shipped, although, no doubt, in most cases, they were started from the Niagara peninsula in carboad buts and distributed from station to station along the several lines of railway, always, however, at the carload rate. This privilege was curtailed, so far as shipmonts to the west were concerned, by the Express Judgment of 1919, but continued in the Maritime Provinces.

When the Board was considering the application of the express companies for a coneral increase in rates, very serious complaint was made at Halifax on behalf of the fruit growers in the Annapolis valley that the provision hereinbefore described as granted to the Niagara peninsula growers was discriminatory as against the Nova Section producers, but, when the matter was referred to at the hearing, Senator Smith and all other applicants herein were entirely willing that not only the Nova Scotia growers but British Columbia growers as well should receive the same treatment as they were receiving.

When the last Express Judgment was written, the following statement appeared:-

"Then again, we find that fruit is being shipped from Winona and other Ontario points to the Maritime Provinces under carload rates, and yet the car can be opened at every station between Campbellton or McAdam Junction and Sydney and a dozen or a hundred crates of fruit can be transhipped at junction points and carried over branch lines to destination, still at the carload rate. This condition existed in carrying fruit from Ontario points to Manitoba and Saskatelewan, but was corrected by the last Rate Judgment. On the other hand, the producer of fruit in the Annapolis valley receives no such privilege and is at a distinct disadvantage in distributing his product over the Maritime Provinces as compared with the Ontario shipper. Then, again, the shipper of fruit from British Columbia while he receives a fairly low rate as far east as Whathe, you is entitled to no such advantages, but has the privilege of opening the car twice en route on the payment of \$5 for each opening. These dismagainsies should not exist, and the express companies should so arrange their twiffs that all sections of the Dominion will be treated as nearly alike as it is · .ille to do considering the character of the business and the distances travelled."

The result was that, when the express companies filed their tariffs, they removed the alleged discrimination by refusing to continue the carload rate heretofore enjoyed, and the present application is by the Ontario Fruit Growers' Association, etc., for an ore'r directing the express companies to restore the previous arrangements for unlimited unleading of carload fruit and vegetables from stations in Ontario to points in the Maritime Provinces and Western Canada. This application was heard by the Board at Ortawa on the 17th of May when exhaustive argument and evidence were given both by the applicants and by the express companies in respect thereto.

The present rates provide that, wherever fruit can be shipped in carload lots, it shall be at the same rate as heretofore plus the 20 per cent general increase added by General Order No. 327. In addition to this, the express companies provide for two unloadings at the nominal sum of \$5 each, making three places at which the carload

of fruit can be distributed. The carload rate before the recent order was \$1.25 per 100 pounds to the Maritime Provinces and \$2 to Manitoba points. This has been increased by 20 per cent, making the present Maritime Province rate \$1.50 and the Manitoba rate \$2.40.

If this provision does not meet the requirements of shippers, they then have the privilege of shipping at the second class express rate, which varies according to mileage but is, roughly speaking, between 2½ and 3 times the carload rate.

It was stated in the evidence and not contradicted that the second class rate on an 11-quart basket of fruit would be about 10 cents greater by the l.c.l. rate than if shipped by the carload, but, in the l.c.l. movement the fruit is gathered and delivered by wagon service, which is not the case at the present time when shipped by the carload.

It was stated by the express companies that the present carload rate from Ontario to the Maritime Provinces on fruit was from 23 to 26 per cent of the first class express rates and about 33 to 40 per cent of the second class express rates. From Ontario to Manitoba points the percentage ranges from 24 to 36 per cent of the first class express rates on carloads and from 32 to 48 per cent of the second class on less than carloads.

The following table is instructive:-

	1st cl. Exp.	2nd el. Exp.	C.L. Exp.	% of 1st cl.	% of 2nd	L.C.L. Exp.	% of 1st cl.	% of 2nd	1st cl. Freight
Winona to— St. John Moneton Truro Halifax Sydney	5.65 $5.95$ $6.60$ $6.40$ $7.30$	3.95 $4.10$ $4.60$ $4.45$ $5.05$	1.50 $1.50$ $1.50$ $1.50$ $2.10$	$   \begin{array}{r}     26.55 \\     25.21 \\     22.72 \\     23.44 \\     28.77   \end{array} $	37.97 36.59 32.60 33.71 41.58	$\begin{array}{c} 2 \cdot 10 \\ 2 \cdot 10 \\ 2 \cdot 10 \\ 2 \cdot 10 \\ 2 \cdot 70 \end{array}$	37·17 35·29 31·82 32·81 36·99	53·16 51·22 45·66 47·18 43·47	144 144 148 148 162½

This shows that the carload rate is to-day just above the first-class freight rate to the principal points in the Maritime Provinces excepting Sydney, where it is considerably below the freight rate, and, according to the evidence of Mr. Ham, the actual cost, based upon 34.7 cents per car mile, of carrying a 20,000 pound car of fruit from Winona to St. John is \$301.20. The total express rate with the 20 per cent addition under the recent order would amount to \$300, and the l.c.l. rate is \$420. The cost of haulage to Moncton is \$332, the rate for a 20,000 pound car would be \$300, and the l.c.l. charge \$420. The cost of hauling the same car to Halifax would be \$396.63 the carload rate would be \$300 and the l.c.l. rate \$420. To Sydney, the cost of haulage is \$453, the carload rate \$420, and the l.c.l. rate \$540.

It will, therefore be seen that the total receipts for both railway and express companies by the carload are a little less than the actual cost of transporting the car, to say nothing of the return movement and whatever may have been the cost of placing the car for loading in the first instance, and, after all, this is the real question which this Board should consider.

It was strongly urged by Senator Smith and his associates that this business had been going on for more than twenty years, that a valuable business had been built up upon this basis, and that they strongly feared that they would not be able to compete with United States producers if the change were made permanent. It was alleged that the Ontario fruit, while more luscious, was more perishable than the American fruit, and strongly contended that without this concession they would be unable to carry on the business.

There may be and probably is something in the contention that the Ontario fruit deteriorates more rapidly than the American fruit, but I am unable to accept

This remains as being combining or even logical, because the American fruit onings no some minima privileges and, in addition, is met with a rather severe duty as grant the minimal which could enter into competition with Canadian fruit.

The applicants contend that two unloadings will not in any way meet their continuous and a fine the goods shipped by the ordinary l.c.l. movement would not helpful destination in prime condition. As against this the express companies state that the l.c.l. fruit would be transported in the same cars as have been used heretofore or as will be used in the carload movement, and, as the express companies want the business, I think it is fair to assume they will look after the transportation side of it and see that the fruit receives proper treatment.

It, therefore, resolves itself, in my judgment, to a question of whether or not the additional 10 cents per basket of fruit is an unreasonable increase and whether the rate with the 10 cents added to it is an unfair and unjust rate to charge for carrying

fruit from the Niagara peninsula to the Maritime Provinces.

Taking the evidence as to the costs and receipts hereinbefore referred to, it is not unreasonable, and I am not able to convince myself that it is the duty of this the reasonable, and I am not able to convince myself that it is the duty of this the reasonable in the property of the consumer probable in order that the term is the conditions. If that doctrine were to hold good then there never could be any change in railway or express rates or conditions. I realize that the fruit will cost the consumer probably more than it is a total that the fruit is evidence produced the spread between what the producer in the Niagara peninsula received in the year 1920 for the fruit and to that the consumer paid was so great that the 10 cents per basket could

easily be absorbed and yet leave a very handsome profit.

However, this is not the criterion upon which rates should be fixed, but rather is the rate proposed just and reasonable? I think it is, although, personally, I would much rather see the former conditions prevail. I realize it will necessitate some much in the method of carrying on business in the Maritime Provinces. No doubt the actual proportion of this fruit will still go forward in carload quantities, because the absorb at towns which can take either a full carload or a carload with two openings and the final destination would absorb a very large proportion of the total manifer. The lamme will probably be shipped in carload quantities to central touts and more distributed at the l.c.l. rate, which will very materially reduce the Dronu is to as heroinledore referred to. It may require the establishment of employees and offices at certain central points such as McAdam Junction, Newcastle, Muchan, and Trare, but these are small matters compared with the magnitude of no lusiness. It may even, in some cases result in distribution by wholesale houses in the crace office but this is a matter which the trade will work out as to it seems test.

For these re, suns, much as I regret it, I am compelled to refuse the application and think the same should be dismissed.

Commissioner McLean, July 18, 1921, concurred in by Commissioner Boyce.

In my mem random of concurrence dated February 2, 1921, in the judgment of the this Charles over regarding the application by the Express Traffic Association of Canada for an increase in tolls, the following language was used:—

"The computations as to cost of carriage on the basis of 34.7 cents per computations are notified are set out in the reasons for judgment by the Chief Commissioner. It is figure of 30.62 is taken, as referred to in the foregoing reasons, a fine the figure which was advanced by Mr. Geary as showing actual costs per car mile, then the result on the mileage from Mulgrave to Montreal is as follows: Express car mile cost, \$272.51; freight charges on a basis of 30,000

pounds, \$180. That is to say, on a 50 per cent basis, the express company would receive \$136 as against a freight charge of \$180."

The judgment of the former Chief Commissioner, Sir Henry Drayton, in the Express Rate application of 1919, said judgment being dated July 17, 1919, stated that a rate of 34·7 cents an express car-mile for the transportation service was received by the Canadian Pacific, and that "in the light of the cost figures, not only of the privately owned but also the government systems, this return was reasonable."

The sections dealing with the jurisdiction given to the Board over express busi-

ness are fundamentally toll sections. Section 360 provides:-

(1) All express tolls are to be subject to the approval of the Board;

(2) The Board may disallow a tariff, or portion thereof, which it considers unjust or unreasonable;

(3) It may exercise all such powers regarding express tolls and tariffs "as it has or may exercise under this Act with respect to freight tolls and freight tariffs:

• (4) All provisions of the Act applicable to freight tolls and freight tariffs "in so far as such provisions are applicable and not inconsistent with the provisions of this section and the five next following sections (361-365) shall apply to express tolls and tariffs."

Section 364 sets out that the Board has jurisdiction to define carriage by express. The amendment of 1919, viz., "and may order that all such goods as the Board may think proper shall be carried by express" was put in because under the Act, as it formerly existed and had been construed by the Board, the obligation of the express company was only to carry such goods as it held itself out to carry.

Section 365 relates to the limitations of the contract of carriage.

Section 360, subsection 2, refers to disallowance. Under section 362, reference is made to the disallowance or suspension of a tariff by the Board.

The powers, the exercise of which is asked for in the present application, must be found in section 312, subsection 1 (e), which provides that the company shall "furnish such other service incidental to transportation as is customary or usual in connection with the business of the railway company as may be ordered by the Board."

As I read section 312, it does not apply to an express company. In the first place, section 312 starts out "the company" shall according to its powers—by subsection 4 of section 2 of the Railway Act, "company," where not otherwise stated or implied, means railway company unless immediately preceded by "any," "every," or "all," in which case it means every kind of company which the context will permit. The wording of section 312 read in connection with the definition as set out indicates that Section 312 is concerned with the business of a railway company. Subsection 1 (e) of section 312 refers to the service . . . . customary or usual in connection with the business of a "railway company." The section throughout refers to "the company" except in subsection 6 where authority is given the Board inter alia to direct that any specified systems or methods be taken . . . "by any particular company or companies, or by railway companies generally." As pointed out the interpretation section gives a qualifying effect to the use of the word "any," i.e., it means every kind of company which the context will permit. The words "or by railway companies generally," above set out, clearly by context limit the word com-The words "any company" in subsection eight are pany to railway company. similarly limited by context.

Further, section 312 is a facility section. It is true that by subsection 4 it is provided that the traffic taken shall be carried to and from and delivered at the places aforesaid (that is, the places referred to in sub-section 1 of the section) on due payment of the toll lawfully payable therefor; but the intent of the section is that the powers over tolls, e.g., in subsection 6, where it is provided the Board may order a

specific work to be constructed or a specific toll to be charged, are incidental to and that up with the Pearl's control in respect of the obligations of the railway as to

facilities.

The fact that the Board's jurisdiction in regard to express companies is a rate jurisdiction less been set out in a memorandum of March 24, 1920, on Board's file No. 20181, which was published in Board's Orders and Judgments of April 15, 1920. In the memorandum in our stiem, after citing the rulings of the Board of earlier dates, the following language was used:—

"In summary form, the Board's jurisdiction is as to tolls and contracts, etc., limiting liability, with the additional power conferred by section 364, amended, as already noted, by saying what may be carried by express. The Board is given no authority to direct an express company, qua express company to install facilities or to arrange that specific services shall be given at specific stations. It follows from this that so far as jurisdiction is concerned, the Board has no power to direct an express company to reinstate at a station or stations express facilities which it has removed, nor has the Board power as a matter of jurisdiction in the first instance to direct the installation of facilities at a station or stations."

Holding as I do that section 312 is a facility section, I am of opinion that under two interpretation of the Railway Act which has consistently been followed by the Board, section 312 does not apply to express companies, and that, therefore, the Board is without power to grant the application asked for.

APPLICATION SECURITY TRAFFIC BUREAU FOR RULING AS TO CONSTRUCTION OF ITEM 10, PAGE 34, SUPPLEMENT 10 TO CANADIAN FREIGHT CLASSIFICATION NO. 16

Julianust. Assistant Chief Commissioner McLean, July 7, 1921, concurred in by Commissioners Boyce and Rutherford.

Itom 10, p. 34 of Supplement 10 to Canadian Freight Classification No. 16, reads as follows:—

Machinery and Machinery Parts, N.O.S .-

The Society Traille Bureau of St. Paul, Minn., writes in respect of the classification and rate applying on a shipment from St. Louis to the Lethbridge Brewing and Multing Company, billed from Minnesota Transfer. The total weight of the shipment are 3.140 pounds. It is stated that it consisted of four boxes of bottling manner parts; and that investigation showed one box, or piece, to weigh 1,047 pounds.

The Scurity Traffic Bureau contends that under the provisions of the classification as a control one thousand pounds or over, per machine or portion of machine will a macrious and small detached parts boxed" means one thousand pounds per macrine or pertian of machine. The C.P.R. states that one box or piece weighed 1.017 panels, and it is contended by it that the rate of second-class, attaching to a shipment of 1.000 pounds or over per piece, is limited to the shipment of 1,043 pounds; arei that the other shipments, being in each case less than 1,000 pounds, are subject to a rate of first-class.

What really is in contest is whether, as contended by the applicant, the machine being 1,000 pounds or over, that each piece, regardless of weight, moves on a secondclass rating, or whether, as contended by the railway, each piece must be 1,000 pounds or over to obtain the second-class rating thereon.

The matter is submitted to the Board for a ruling by the Security Traffic Bureau. Copies of the correspondence interchanged with the freight claims agent of the Cana-

dian Pacific are submitted.

As a matter of construction of the classification the words "one thousand pounds or over" are to be read as qualifying the words "per piece"; that is to say, where there is a shipment of a piece of machinery 1,000 pounds or over, the second-class rate applies, and where there is a shipment of machinery of less than 1,000 pounds crated or boxed, the first-class rate L.C.L. applies.

# ADVANCE IN PASSENGER TOLLS, NIPISSING CENTRAL RAILWAY COMPANY

Judgment, Assistant Chief Commissioner McLean, July 18, 1921, concurred in by Commissioner Boyce.

Application is made by the Nipissing Central Railway Company for an increase in its passenger rates. The application was heard at Haileybury, Ont., on May 14. The towns of New Liskeard and Haileybury were represented by counsel; the township of Bucke, in which the town of North Cobalt is located, was represented by its reeve.

On account of the statistical data presented at the hearing, it was arranged that the parties representing the interests opposing the application should have an opportunity to file written memoranda. Copies of said written memoranda were to go to counsel for the railway company and thereafter the railway company was to file its reply. The material in this regard is now before the Board. The only one of the parties which filed a supplementary memorandum was the town of New Liskeard. The reply of the railway company thereto has been received.

The Nipissing Central Railway Company is an electric line between Cobalt and New Liskeard, which operates in part on its own right of way and in part on the right of way of the Temiscaming and Northern Ontario Railway. The mileage is

distributed as follows:-

NT: 1 Comments of the comments	Miles
Nipissing Central from North Cobalt to Haileybury	3.44
Nipissing Central in New Liskeard	1.48
Liskeard	3.09
Temiscaming and Northern Ontario right of way, Cobalt to Kerr Lake	7.36
Total	15.37

The Nipissing Central Railway Company was incorporated by Dominion legislation. It has an authorized capital stock of \$1,000,000 common, of which \$530,000 par value are outstanding, the balance being in the treasury. This sum of \$530,000 issued as fully paid outstanding stock was acquired by the Temiscaming and Northern Ontario in 1911. The railway is operated by the Temiscaming and Northern Ontario Railway Commission. As returned in the annual report of the railway for the calendar year ending December 31, 1920, the directors of the Nipissing Central are the chairman of the Temiscaming and Northern Ontario Railway Commission and three of the general officials of that commission. The general officers of the Temiscaming and Northern Ontario Railway are also the general officers of the Nipissing Central Railway. These directors hold all stock issued in trust for the province of Ontario.

The railray is operated under five franchises. One of these is from the town of New Linkeau. then there is a franchise through a small piece of the township of Demond, which is heard adjacent to New Liskeard; there is then a franchise from the township of Eneke; a franchise from the town of Haileybury; and a further franchise from the township covering to North Cobalt. The franchise arrangements are far them; year periods. There are provisions contained therein, with the exception of the franchise from the township of Dymond, as to limitation of fares.

Subjection what is set out below as to protests against the increase, there is no observing relacion the ground that the Board is without power to interfere with rate, covered by fractiles. The matter was referred to incidentally at the hearing, and control for the rallowsy pointed out the Board's jurisdiction in this respect. No according to this by counsel for those opposing the application. As to the Board's misliants in regard to rates covered by franchise, see Montreal and Southern Country Uniques v. Town of Greenfield Park et al. 23 Can. Ry. Cas, 106, at p. 113.

II

The rates which the railway proposes to put in are set out in the following statement which indicates in brackets the existing rates:—

Fares between Cobalt and Haileybury(10) Between North Cobalt and Haileybury or Cobalt				tickets tickets		
Between points within the town limits of Haileybury or Cobalt	7c.	or	4	tickets	for	25c.
points(10)	15c.	OF	8	tickets	for	\$1.00
Between New Liskeard and Haileybury(10)	15c.	or	8	tickets	for	\$1.00
Between points within the town limit of New Liskeard (5)	7c.	or	4	tickets	for	25c.
Between New Liskeard and Cobalt(20)	30c.	or	4	tickets	for	\$1.00
TEN (10) RIDE SCHOLAR'S TICKE	ETS					
Between						
Cobalt, Haileybury and intermediate points						30c.
New Liskeard, Haileybury and intermediate points				(2	5)	30c.
Cobalt, Kerr Lake and intermediate points				(2	5)	30c.

These tickets good only on days on which school is in session going to and from school and which will not be honored at any other time of day or on Saturdays. Sundays, or holidays will be sold to scholars only on presentation of certificate bearing the personal signature of the Principal of the School, certifying that the applicant is a regular attendant of his school under eighteen (18) years of age and properly entitled to use these tickets.

Twenty-one (21) Ride Workmen's Tickets

\* Good for passage between the hours of 5.00 to 7.30 a.m. and 4.45 to 7.00 p.m., daily except Sunday.

ctween						
Cobalt and Kerr	Lake and inte	rmediate poi	ints (1.00)		 	 \$1.25
Cobalt and Hailey	bury and interi	mediate poin	ts (1.00) .		 	 1.25
New Liskeard an	d Haileybury a	ind intermed	iate points	(1.00)		 1.25
New Liskeard an	d Cobalt and i	ntermediate	points (2.0	00)	 	 2.50
* See note.					 	

Note.—On car leaving Cobalt at 6.45 p.m., also on car leaving New Liskeard 6.45 p.m., workmen's tickets will be accepted as far as Haileybury only.

Ties does of what is proposed is set out by the railway in Exhibit No. 9, as follows:-

M<sup>\*</sup> WOLTE OF A LIARGETTE PASSENGER FOR YEAR 1920 AND ESTIMATED, AVER-ARE UNDER PROPOSED TARIFF NO. 21, YEAR ENDED OCTOBER 31, 1920

	No. of Passengers	Revenue	Average Fare
WorkmenScholars.	%	%	cts.
	19·3	11·8	4·76
	3·7	1·1	2·5

	Present Fares		Proposed Fares			
	Cash	Tickets Cash		Tickets	Estimated Average	
Workmen Scholars. Local. Standard.	5.0	cts. 4·76 2·50	7·0 15·0 10·0	ets. 5.95 3.00 6.25 12.50 8.33	cts. 5.95 3.00 6.30	
	Per Cent Present		Present		posed	
Workmen. Scholars. Local Standard.  Average.	19 4 16 61 	4·76 2·5 5·0 10·0	90.60 10.00 80.00 610.00 790.60 7.9c.	5.95 3.0 6.4 12.5	113·05 12·00 102·40 762·50 989·95 9·9c.	
		Increase.		or	2·0c. 25·5%.	

The town of North Cobalt takes the position that it is especially affected by the proposed change in workmen's tickets. The reeve of the township of Bucke, in which North Cobalt is located, stated the only protest from the township was on the ground of workmen's tickets. He pointed out that the township was more affected than any of the other municipalities; that North Cobalt was located in the township in question and was a workmen's townsite; that a considerable number of workmen lived there who worked in Cobalt; and he was of opinion that an increase would bear more severely upon North Cobalt than on any other municipality.

There was also a statement by the township of Bucke that an early car should be run as set out in the franchise.

The railway's submission in this regard was that the franchise covered, as to fares, workmen's fares in the township of Bucke between 5.20 a.m. and 7.30 a.m., and between the same hours in the evening, but that the railway had in practice been granting workmen's tickets over a more extended period. It was also pointed out by the railway that while the franchise of the township of Bucke made no provision for scholars' tickets, the railway had been giving ten tickets for 25 cents to bona fide scholars; and that the same thing applied in the case of Haileybury and New Liskeard.

### III

Counsel for the town of Haileybury at the hearing raised the question of the alleged expensive operation of the Kerr Lake section, and the possibility of economies being effected by curtailment of service in connection therewith. This is considered later.

As pointed out, the township of Bucke took the position that it was especially interested in workmen's tickets. The town of Haileybury has made no representation on this subject. The town of New Liskeard has stated it has no objection to a revision of rates in this respect. It has also intimated at some length that economies are obtainable in connection with the operation of the Kerr Lake section, which it regards as being unprofitable.

## IV

The fiscal year of the Nipissing Central Railway Company ends October 31. Exhiit No. 3 as filed gives a comparative statement of the earnings, expenditures and result of operation for the fiscal years 1915 to 1920. For 1915, there was, after deduction of taxes and rental for leased road, a net of \$25,094.99. For 1916, there was a net of \$22,197.45. For 1917 to 1920, inclusive, there has been a deficit, the figures being for 1917, \$4,632.57; 1918, \$8,727.13; 1919, \$3,271.74; 1920, \$24,068.19.

The total revenue of the Nipissing Central Railway Company in 1915 was, in round numbers, \$100,000. In 1920, it was \$120,000. These are the gross figures. Counsel for New Liskeard in his written submission, possibly through an error in typewriting, refers to these figures as if they represented a net revenue. Of the increase of approximately \$11,000 in gross revenue between 1915 and 1920, \$12,000 are attributable to passenger car revenue. The total receipts for the period have had an irregular movement—in 1915, \$106,000; in 1916, \$110,000. Then in 1917 and 1918, they fell to \$93,000 and \$96,000 respectively. There was an increase to \$108,000 in 1919, and the 1920 figures are as indicated.

The business is predominatingly a passenger one. In 1920, the passenger car revenue was \$8.43 per cent of the total transportation revenue. The ruling percentage has been in the period in question from \$4 per cent to \$6 per cent. In 1919, it runs to 91 per cent, but this was due not only to an increase in passenger car revenue but also to a decrease in the freight and switching revenue. The freight and switching toyenue for 1920 was, in round numbers, 10 per cent; in 1919, 7 per cent; while in the period from 1915 to 1918 it averaged from 12 per cent to 14 per cent. Miscellaneous revenue is responsible for from 1 per cent to 1.3 per cent.

The freight carried is all concerned with the movement on switching rates.

Exhibit No. 5 filed at the hearing gives a comparative statement of earnings, exponditures and results of operation for five months from November 1, 1920, to March 31, 1921. This shows a total revenue from all sources for this period of \$42,285.75. Of this, 88.8 per cent is represented by passenger revenue.

After deducting operating expenses and allowing for other income of \$125.21 under the heading of interest, there is a debit of \$14,390.18; and making a further deduction from income for rent for leased road in the period in question, amounting to \$3,671.55, there is a debit of \$18,061.73.

On the figures as represented, the operating ratio for the fiscal year 1920 was 111.5 per cent, and for the five months ending March 31, 1921, 134.3 per cent.

Exometion was taken in the course of the hearing and in the written submission of the town of New Liskeard to the propriety of the amount shown for rentals, as well as to the propriety of the amount shown as expended on maintenance of equipment. These items require, in connection with other details, further consideration. Subject to this, reference may be made to the figures available as bearing on the present condition of the railway. The Exhibit covering the five matter where \$1,10.1, was this and to at the hearing as not being characteristic, since it covered a period of the year in which traffic might be expected to be less heavy and operating expenses not only proportionately but absolutely greater.

#### V

In order to obtain figures covering up to the latest date possible, a special return has been called for by the Board since the hearing. The latest possible date for the advantage is available as the carnings, expenditures and results of operation of the possible date of the Board has now before it a detailed statement covering this seven months' period.

I'm too save months' period in question, the total revenue was \$59,207.68. Of this, the pass numer revenue represented in the date figures \$52,069.47, and in percentage 88 per cent. The total revenue for the seven-months' period in question as com-

pared with the corresponding period in 1920 was \$59,207.68, against \$67,807.38; that is to say, for the seven-months' period in 1921 there was a gross decrease of \$8,600. Practically all of this was in passenger revenue, the decrease in this respect being \$6,170. The total revenue for the seven months ending May 31, 1921, fell short of that for the same period in 1920 by 13 per cent.

The total expenditures for way and structures, equipment, power, conducting transportation, traffic general and miscellaneous amounted to \$89,390.42, as against \$69,485.04 in the same period for 1920. Taking into consideration interest, rent for leased road, and taxes, there was a deficit for the period in question of \$35,964.70, as against \$7,018.12 in the corresponding period in 1920.

Of the increase of \$19,805 in the 1921 operating figures over the 1920 figures,

\$14,311 is under the item of equipment.

As pointed out, the total revenue for the seven months ending May, 1921, was \$59,207.68, of which \$52,937.97 were obtained from passenger revenue, baggage revenue, and special car revenue. Taking this as representing the total passenger revenue and extending it on a 12-months' basis, the result would be \$90,750.81 for a projected year. Similarly extending the items of freight and switching and revenue from other operations, the respective figures would be \$9,308.07 and \$1,440.00, giving a total for a year projected on the seven months in question amounting to \$101,498.88. This is open to the criticism that the seven months in question are not characteristic, so, instead of taking this basis the comparative figures for the same seven-months' period in 1920 may be taken. From a check, it appears that the passenger revenue for the seven months in question amounts to 56.3 per cent of the actual total for the year 1920, freight and switching to 57.4 per cent, revenue from other operations 48.1 per cent, operating expenses 51.7 per cent.

Applying these percentages to the seven months of 1921 in order to obtain a projected year by extending it for the balance of 1921, a return of \$94,028.38 is obtained for passenger business; \$9,446.26 for freight and switching; \$1,745.30 for revenue from other operations; making a total for the projected year computed on the basis indicated of \$105,219.94. The computed figure of \$94,028.38 for passenger revenue may be compared with the figure of \$103,078.36, the actual figure for 1920, and the total of the computed revenue of \$105,000, in round numbers, may be compared

with the actual revenue of \$120,000 for 1920.

The operating expenses for the period in question are shown as \$89,390.42. If extended on a monthly basis, the computed result would give \$152,857.61. The operating expenses for the seven months ending May, 1920, were 51.7 per cent of the total operating expenses for that year. Applying this percentage, the computed operating expenses for the year ending October, 1921, would be \$172,523.

#### VI

The company is not asking for a return upon the common stock. The investment in the road is set out by the company as amounting in all to \$783,936.73. This is made up of roadway, including ties, rails, fastenings, wires, poles, etc., amounting to \$316,576.26; equipment, cars, etc., \$120,363.47; making a total for these items of \$444,937.73. Then it is claimed that the value of the right-of-way and facilities of the Temiscaming and Northern Ontario, which are used exclusively by the Nipissing Central Railway, amount to \$339,000, giving a total of \$783,936.73.

As to the Temiscaming and Northern Ontario's facilities, this requires consideration in connection with the matter of rentals. As to the items of investment in road and equipment referred to, an analysis of these does not appear to be necessary as

the company is not asking for return on the investment.

From the figures as presented in the returns to the Dominion Government for the calendar years 1919 and 1920, figures showing the passengers per passenger carnile may be computed as follows:-20c-8

1919 4.3	1920 4.6
Car earnings per passenger car mile amounted to. Miscellaneous earnings per car mile	38.36 cts. 0.85 "
Operating expenses and taxes per car mile .	39.21 "
Car earnings per passenger car mile amounted to. Miscellaneous earnings per car mile	40.86 cts.
Operating expenses and taxes per car mile	42.13 "

Exhibit No. 7 sets out a comparison between the car-mile expenses for the fiscal years 1915 and 1920. In 1915, the operating expenses per passenger car-mile were 22 cents. In 1920, they were 41 cents. It is, of course, apparent that on account of there being portions of 1919 and 1920 included in the fiscal year 1920 the figures given are not comparable with those of the calendar year.

Exhibit No. 4 filed by the railway comparing wages for 1915 and 1920 shows 98 per cent of an increase in 1920 over 1915. Prices are shown as having an increase of 149 per cent. There is also set out an estimate of the cost of maintaining the track leased to the Nipissing Central Railway Company with total expenses for maintenance-of-way and structures. The average maintenance cost was in 1915, \$531 per mile; in 1920, \$1,454. Further reducing this the average maintenance cost per lineal foot in 1915 was 10·05 cents; in 1920, 27·05 cents.

Exception is taken in the written submission of the town of New Liskeard to the figures cited as to wages, it being contended that the rate of wages as shown is the highest reached in the years 1920 and 1921, and reference is made to the probable decrease in wages. It is also contended by New Liskeard that in the matter of prices 1915 was an unfair basis as there was then a decline, while the period 1920 and 1921 represents the peak. The railway contests the allegation that 1915 was an unusually low year, and also sets out that 1921 prices quoted are actual present prices. The railway states that with the exception of trackmen's wages all wages on the Nipissing Central are at present lower than the standard rates on steam railways, and the readjustment will, therefore, probably proceed more slowly.

#### VII

The amounts charged by the Temiscaming and Northern Ontario Railway Company against the Nipissing Central Railway Company during the month of March, 1921, are as set out in exhibit 10 as follows:—

2022, 010 111 111		
50 per cent cost of lighting Cobalt station	\$	17 71 50 00
Work performed by T. & N.O. Ry., Sections 55-6, as per Payroll Distribution		839 71
Proportion of salary of Chief Electrician, 1 month at \$215 at 30 per cent		64.50
per agreement—		
Section 1—Kerr Lake Junction to North Cobalt— Interest		
Per year \$6,265 00		522 00
Section 2—Haileybury Spur to New Liskeard— Interest		
Per year \$2,790 00		232 50
Section 3—Haileybury Spur— Interest\$1,000 00	)	
Per year \$1,000 00	)	83 33

Section 4—Kerr Lake Branch— 10 per cent gross earnings. (Earnings \$1,165.95—March, 1921) Clerical services—Cobalt staff—	116	60
Per year \$300 00  Rental for use of Cobalt station—	25	00
Per year 300 00	25	00
	\$1,976	

In explanation of the detail set out in exhibit No. 10, the Chief Engineer, Mr. Clement, was put on the stand. In the case of the Kerr Lake Branch, where 10 per cent of the gross earnings are paid as rental, he set out that the actual cost of this branch, according to the Temiscaming and Northern Ontario ledger account, was \$175,000, or some \$35,000 to the mile, which he considers as not being excessive in view of the fact that it was through a rough mining country. He stated that under the system of rental arrangements existing, the Nipissing Central is paying less than 1 per cent on the ledger value of the system. The Haileybury spur includes 14 miles of track which was put in at \$25,000. The railway is utilizing an exclusive track of the Temiscaming and Northern Ontario Railway between Kerr Lake Junction and North Cobalt, and also on a stretch north of that town. The cost of this exclusive track, including road-bed and track, was stated to be \$139,000. In a summary way, it is stated that the total cost of facilities which the Nipissing Central Railway leases from the Temiscaming and Northern Ontario is \$339,000, and the rental being paid therefor is 2.8 per cent.

The trackage covered by the rentals is approximately 11 miles. The total rental as shown is \$9,761.43. If this were capitalized at 5 per cent, it would mean a capital value of \$195,228, which would represent \$17,748 per mile of track. In Montreal and Southern Counties Ry. Co. v. Town of Greenfield Park et al, 23 Can. Ry. Cas., 106, at p. 110. the Montreal and Southern Counties Railway Company had track leased from the Central Vermont Railway. The rental in respect of running rights of 24.3 miles was figured as being equivalent to 5 per cent on \$440,540, which would represent a capital stock of \$17,412 per mile of railway. This was held to be a reasonable charge.

Various allegations were made in regard to the rentals paid to the Temiscaming and Northern Ontario Railway being excessive, but in view of the specific finding of the Board in the case above cited, I do not consider the rentals unreasonable.

## VIII

As pointed out, the railway is operated by the general officials of the Temiscaming and Northern Ontario Railway. The 1919 report to the Dominion Government does not show any charges to the Nipissing Central for the salaries of general officers. It was stated by counsel for the railway at the hearing that a few exceptions were charged to the Temiscaming and Northern Ontario Railway Commission. Exhibit No. 10, which has already been quoted above, shows the charges of the Temiscaming and Northern Ontario Railway against the Nipissing Central during the month of March, 1921.

#### IX

In the course of the hearing, Commissioner Boyce drew the attention of counsel for the railway to the fact that while the maintenance of equipment for the fiscal year 1919 amounted, in round numbers, to \$14,000, in 1920 it had increased to \$28,000, and the reason for this increase was asked. Counsel stated that one factor was a collision between two cars which involved expensive repairs amounting, in round numbers, to some \$7,000.

The chief engineer of the railway, in explanation of the figures, stated as follows:-

"The Board will notice that in 1915 and 1916 the expenditure was very low. We had some new equipment and we carried no depreciation accounts. Our repairs to the motor equipment were particularly low and we did not have heavy painting on the cars. That gradually increased until 1917 and 1918. Then there was a slight recession in 1919, which makes the 1920 figure look particularly large. Mr. Parmenter has referred to an accident, a casualty, where we had to put two cars into the shop for very heavy repairs. They were badly demolished, one end of each car. Then in 1919, there was a recession in our maintenance; we could not obtain men; and in 1920 there was an element of deferred maintenance and also an element of a special repair, and there is also a very substantial further increase in the rates of pay as compared with 1919."

It was further stated by him that the equipment repairs, under present conditions, would be as a minimum 7 to 8 cents per car-mile. It was pointed out that the railway had a limited number of cars; that it had no large shop in which they could be repaired; and that in this regard the railway was at a disadvantage in comparison with some of the other larger roads. He concluded, therefore, that the cost of 8 cents per mile without any casualties and without carrying depreciation accounts would result in an item of from \$24,000 to \$25,000 a year.

The passenger car mileage for the calendar year 1920, as reported to the Dominion Government, is 280,353. This at 8 cents per car-mile would give a charge of \$20,428 for ordinary maintenance of equipment. The total as shown in the report for the same year is \$30,172.18.

Counsel undertook to file a statement showing how the item of maintenance of equipment for the fiscal year ending October, 1920, was made up. This information is set out in his written submission in the following terms:—

"At the sittings of the Board of Railway Commissioners for Canada held at Haileybury on the 14th day of May, 1921, the Nipissing Central Railway Company was requested by the Board to furnish details of the item of \$28,498.72 shown in exhibit 3 as expenditures for maintenance of equipment for the fiscal year ending October 31, 1920. In accordance with the Board's request, the following details of the item in question are hereby respectfully submitted:—

ally submitted.—	
(a) Superintendence of equipment	\$ 200 22
(b) Passenger and combination cars	17,230 75
(c) Freight, express and mail cars	272 19
(d) Service and equipment	1,682 46
(e) Electric equipment of cars	8,389 12
(f) Shop equipment	170 23
(g) Shop expenses	553 77
(a) Duot extenses	

\$28,498 72

"In explanation of these figures, it should be pointed out that the work represented by the larger items was performed by the Temiscaming and North ern Ontario Railway Commission for the Nipissing Central Railway Company at North Bay at actual cost including shop expenses, and nothing was pair the Temiscaming and Northern Ontario Railway Commission as profit.

"Item (b) includes the cost of general repairs to two possenger cars which were seriously damaged by collision. The repairs to one of these cars were

directly attributable to the accident, but the other car in addition to repairs made necessary as a result of the accident requiring general repairs due to ordinary service.

"It is submitted that as the company has been making no charge for depreciation on equipment or otherwise, a substantial margin should be allowed to cover such contingencies as collisions, derailments and other similar mishaps in order that the Company may be in a position to maintain its equipment up to the high standard of efficiency at which it has heretofore been maintained without being confronted with an annual operating deficit such as has occurred as a result of its operations during the years 1918, 1919 and 1920. Having regard to the general increased cost of material and labour, the efficiency of the service provided and the high standard of the company's equipment, it cannot be said that the cost of maintaining such equipment for the year ending October 31, 1920, was excessive. It is estimated that the company's expenditures for maintenance of equipment for the year ending October 31, 1921, without making any allowance for untoward contingencies such as collisions, derailments, etc., will be approximately \$22,000 to \$24,000. Railway statistics for the year ending June 30, 1919, show that the relation between operating expenses and gross earnings as applied to maintenance of equipment on the Hamilton, Grimsby and Beamsville Railway and the Niagara and St. Catharines Railway was 15.85 per cent and 13.9 per cent respectively, while on the Nipissing Central it was 13.62 per cent. It will thus be seen that the Nipissing Central compares very favourably in the matter of cost of maintenance of equipment with the two electric railways mentioned. In the case of the Hamilton, Grimsby and Beamsville Railway the Board has already ruled that it was justified in applying for leave to increase its passenger fares; also in the case of the London and Port Stanley and the Montreal and Southern Counties Railways increases were granted."

From the figures presented in exhibit No. 3, the total operating expense for the fiscal year 1919 was \$102,140.11, while for the fiscal year 1920 it was \$134,217.70, an increase of \$32,071. The significant feature in this increase was maintenance of equipment, with an increase of \$13,698.25, and conducting transportation with an increase of \$10,322.51. These two items are responsible for \$24,020 of the increase, or, in terms of percentage, 74 per cent.

### X

An analysis of the 1919 returns of twenty-three electric lines Fort William and east, excluding the Nipissing Central, shows varying percentage relations between maintenance of equipment and operating expenses. A significant feature is that of the Montreal Tramways with a percentage of 21.07. This is significant in view of the fact that the road is on a cost plus basis and the various factors entering into cost are at the same time subject to the scrutiny of a special Commission.

A check of the operating expenses for the lines involved shows that maintenance of equipment bears an average ratio of 17·1 per cent to total operating expenses. This average figure covers electric lines of varying sizes operating under different conditions. It includes the Montreal Tramways, subject to a special commission, as already indicated, and the Toronto Street Railway with a percentage of 15·3; and this railway has been criticized in regard to alleged delinquencies in respect of maintenance. The list of railways includes, also, interurban lines. Some of the lines have been operating for a considerable number of years; others of them have been in operation a shorter period. The choice made affords a fair average index.

For the fiscal years 1919 and 1920, the Nipissing Central Railway spent on maintenance of equipment 14.48 per cent and 21.2 per cent of the gross operating expenses

respectively. A further analysis of the figures shows that the contributions to maintenance of equipment have been irregular and point to there having been considerable deferred maintenance. The percentages borne by maintenance of equipment to operating expenses for the period 1915 to 1920 are as follows:—

1915 1916 1917 1918 1919 1920 7·3 per cent 6·7 per cent 15·5 per cent 17·7 per cent 14·4 per cent 21·2 per cent

The sums spent on maintenance and equipment in the period in question amounted to \$83,246. If the average figure of 1919, viz., 14.4 per cent, had been spread evenly over the period in question, the total would have been \$81,732, or

\$1,500 less than was actually expended.

The twenty-three lines chosen are located in Ontario, Quebec, and the Maritime Provinces. If the choice is limited to Ontario, including Fort William and east thereof, the average for fourteen lines is 13.7. per cent. Considering the location of the Nipissing Central Railway, the 14.4 per cent of 1919 is not out of line. Further, the expenditures on maintenance of equipment are not to be judged by one year's expenditure alone; and I am of the opinion that, on the average, the expenditure is reasonable.

## XI

While allocation of costs on a gross revenue basis is open to criticism, the criticism is less pertinent when, as in the present case, one type of traffic covers the bulk of the traffic earnings. The 1920 figures set out a deficit of \$24,068.19. Allocating costs on a gross revenue basis, 85 per cent of the total revenue in 1920 being from passenger traffic, the same percentage may be applied to total operating expenses, taxes and rentals. The items in question total \$144,328. Allocating 85 per cent to this, the passenger business contribution to cost should be \$122,678. Since passenger revenue amounted to \$103,078, passenger receipts thus fall short of passenger costs by \$19,000.

Putting the figures in summary comparative form for the latest period available, viz. the seven months' period ending May, 1921, as compared with 1920, the

following comparisons are available:-

(1)	Deficit in period ending May, 1921	\$35,964
(2)	Decrease in passenger revenue in 1921 as compared with 1920	6,170
(3)	Decrease in total revenue, ibid	8,600
(4)	Decrease in operating expense, ibid	19,900
(5)	Decrease in rental, ibid	618
(6)	Decrease in taxes, ibid	373
(7)	Passenger revenue percentage of total revenue	89%
(8)	Passenger percentage of total cost, or 89 per cent of operating	01.000
	expense rent and taxes, or 89 per cent of \$95,172	84,693
(9)	Difference between passenger percentage of total cost and	31,756
	nacconger revenue. Or \$84.093 less \$02.701	02,,00

### XII

In the discussion which has taken place, attention has been called to the lighter traffic of the Kerr Lake Branch.

The service between New Liskeard, Haileybury, Cobalt and Kerr Lake, taking the month of March, 1921, as typical, is set out in exhibit No. 8, as follows:—

	Cars		
	Round trips Single trips		
Kerr Lake to Cobalt	18 36		
Cobalt to Haileybury	00		
Haileybury to New Liskeard	18 36		

At the hearing, a statement was submitted by counsel for the railway showing the passenger traffic during the month of March as taken by a special count. The daily figures are-

From Kerr Lake to Cobalt Cobalt to Haileybury										
Cobalt to Hailevhury	• •	 		• •			 	 	 	362
Cobalt to Haileybury Haileybury to Cobalt		 	• •	• •	* *	٠.	 	 	 	2,068
		 					 	 	 	697

that is to say, of the total 3,127 passengers per day, the traffic between Cobalt and Haileybury represented 66.4 per cent, Haileybury to New Liskeard, 22.3 per cent, leaving a percentage of 11.3 per cent for the traffic Kerr Lake to Cobalt.

If the daily traffic of 3,127 set out is taken as a measure of the yearly traffic, the result is as follows: 1,141,355. The figures for the calendar years 1919 and 1920

as returned to the Government showed respectively 1,253,599 and 1,293,137.

Counsel for the town of Haileybury, at the hearing, submitted that, in general, the Kerr Lake Branch caused a good deal of the expense of operation of the Nipissing Central. He stated this was a matter of general opinion, subject to correction, since he had made only a casual investigation. He said, however, there was very little traffic from Cobalt to Kerr Lake and there was likely to be less, and there did not appear to be any prospect of any increase in business from Cobalt to Kerr Lake.

Counsel for the town of New Liskeard in his written submission used the follow-

ing language:-

"Four cars are apparently necessary to carry out the present schedule between these different points. The fact being admitted that the Kerr Lake to Cobalt Branch is largely responsible for the loss sustained by this railway, it seems clear that the remaining part of the road from Cobalt to New Liskeard should not be penalized in order to maintain the unproductive portion between Cobalt and Kerr Lake, which was not originally, nor has it ever been, incorporated as part of the Nipissing Central Railway, but was simply leased from the T. & N.O. Railway as a matter of expediency for the time being. Onehalf of the cars and one-half of the crews are at the present time required to operate this unproductive part of the road from Cobalt to Kerr Lake, including the one-half hour service between Cobalt and Haileybury. The plan to be adopted is obvious."

He further stated that the Kerr Lake Branch showed a very large expenditure as compared with other sections of the Nipissing Central as now operating, and he contended this emphasized the reasons already given for the discontinuance of the lease from the Temiscaming and Northern Ontario to the Nipissing Central of this portion of the road.

Attached to the written submission of counsel for the railway is detail in regard to the earnings of the Kerr Lake Branch. From August 1, 1913, to July 31, 1914, an average monthly revenue of \$1,227.64 was received. At this time, the freight revenue was to passenger revenue almost as three to one. The passenger revenue amounted to only some \$330 per month. The road was at that time operated by the Temiscaming and Northern Ontario. The expenses were differentiated and showed an average monthly expense of \$914.72. The first year the Kerr Lake Branch was operated by the Nipissing Central was from August 1, 1914, to July 31, 1915. This shows-

At the hearing, suggestion was made by the Board that in view of the representations made as to the conditions alleged to exist in regard to traffic and expenses of operation on the Kerr Lake Branch there might well be a conference between the parties to ascertain what, if any, readjustments were mutually agreeable. In a written memorandum of counsel for the railway, the following is set out regarding this matter:—

"The present schedule requires four cars. It is not practicable to make a reduction in the schedule between Cobalt and Kerr Lake without also reducing the service between Cobalt and New Liskeard. Otherwise the only saving would be in lower consumption. There can be no appreciable reduction through a decreased service if it is necessary to hold the motormen and conductors under pay. The company has on several occasions suggested a reduced service, but in each case the municipalities have insisted that the service called for by the respective franchises be maintained. Following the recent hearing at Haileybury, a conference was held at which a reduced service was discussed. Mayor Taylor of New Liskeard subsequently wrote the officials of the company that a reduction of one car each morning that was suggested by the company would not be satisfactory. At no time is more than one car out of four on the Kerr Lake service and when rush hours and extra cars are considered the ear mileage on the Kerr Lake Division is less than one-fifth the total instead of one-half as suggested by counsel for the town of New Liskeard If a service requiring only three instead of four crews is to be operated, even a partial service cannot be given to Kerr Lake unless slight reductions in the service to New Liskeard are made."

There is a general agreement that the expenses form a larger percentage on this section than on other portions of the system. It is not feasible to have this portion of the system with a rate adjustment different from that applying on other portions of the system. So long as it is operated there must be a minimum service such as will enable necessary and ordinary business to be carried on. See ruling in Complaints re Alberta Train Service, Board's Files 27563.56.6, etc.

I am satisfied that the present returns on this section are not adequate, bearing in mind the service as rendered. The initial burden of determination is on the railway as to whether readjustments of service should be made. At the same time, when a railway asks for an increase in rates it should determine whether economies can be effected; and where service is inadequately compensatory it may properly be

adjusted in ease of the level of rate increases asked for.

The railway has filed a proposition for a revised service which will of necessity involve a readjustment between Cobalt and New Liskeard. This has been submitted to the parties. It is estimated that the revision proposed will effect an economy of \$22 per day, or, approximately, \$8,000 a year. Subject to taking care as far as is feasible of werkmen who have, or necessity, to travel at certain hours, this being a condition in which North Cobalt is, on the evidence, the section interested, I am of opinion that the proposed revision may be allowed.

#### IIIX

Under ordinary conditions, a factor properly to be considered in rate questions is that of some return on the capital invested. Leaving aside the stock issue of the railway, the investment in road and equipment is returned at \$444,936. If interest were allowed on this at a minimum of 5 per cent it would amount to \$22,000 a year.

It is obvious that if a railway is under private management, a return on capital is necessary if additional capital is to be obtained as needed. If the railway is under public management, the matter of carrying the interest charge may be undertaken by the Government concerned as a matter of public policy. This being a matter of

public policy does not come within the jurisdiction of a regulative tribunal unless so provided by statute.

In speaking of a privately chartered railway owned by the Government, the former Chief Commissioner, Sir Henry Drayton, said in the decision in the Fifteen Per Cent Case.—

"There is no reason why the business of the Canadian Northern should be conducted at a loss, simply because the country owns it. Under the Railway Act, the Board certainly cannot deny the people as a whole a rate which would be fair to individuals when owning the transportation system. It appears that a national railway just as much as any other railway ought to be operated so as to cover the cost. . . ."

In the present instance, the province of Ontario is the owner of an electric railway performing suburban service of local interest. Through its agent, the Temiscaming and Northern Ontario Railway Commission, it states it does not desire to have a return on the capital invested considered as a factor entering into the present application. This is in ease of the burden the locality would have to bear.

## XIV.

· The application as launched relates to passenger business alone. It is submitted by the railway that the tolls received should at least equal the operating expenses, with some additional allowance to cover unforeseen contingencies.

While on the 1920 figures the case for an increase of 25 per cent on the passenger business, as asked for, has not been justified, the need for an increase has at the same time been justified. The 1921 figures, so far as available, show a still more unsatisfactory condition, and were a full year's figures available might possibly be taken as determinative of the percentage. While, however, projections have a certain value and may properly be given weight in forming a conclusion, at the same time the conjectural element contained therein must also be given weight.

I am of opinion that an average increase of 20 per cent will be necessary to cover a reasonable contribution from passenger business to the costs necessarily incident thereto. In the proposed tariff of the railway, provision is made for sale of tickets in quantity at a lower rate per ticket than is charged for single tickets. This practice should be continued.

The railway may file with the Board a tariff providing for an average increase of 20 per cent in passenger rates; said tariff to become effective thereafter on five days' notice.

The conditions which have brought about the necessity for this increase are, it is hoped, not of a continuing nature. It is hoped that operating conditions will improve and traffic increase. The Board, therefore, treats the matter as one of temporary relief and will retain the conduct of the case. The railway will be required to file with the Board monthly statements showing, in detail, earnings and expenses; also such other details, if any, as may be called for from time to time by the Board.

APPLICATION CHAMBER OF COMMERCE OF LEVIS FOR REDUCTION IN RATES ON GRAIN.

Judgment, Chief Commissioner Carvell, July 21, 1921, concurred in by the Deputy Chief Commissioner and Commissioner Rutherford.

This is an application of the Levis Board of Trade for the same rate on grain to Levis as is granted to the city of Quebec. The contention is that, at the present time, the all rail rate from Port Arthur and Armstrong to Quebec is 40½ cents, whereas the rate to Levis, just across the river, is 44 cents, making a difference of 3½ cents against Levis and to the advantage of Quebec.

It seems that, up to the year 1918 or thereabouts, the rate on grain and grain products shipped from Western points to Levis was the same as to Quebec. It was then increased to 6 cents and finally reduced and then increased by the different Rate Judgments until now the difference is 3½ cents. It also seems that the tariff between Montreal and Quebec and Montreal and Levis is the same.

The allegation of the Levis Board of Trade is that this difference of rate is practically diverting the distribution business away from the Levis merchants and placing it in the hauds of the Quebec merchants, because it seems that the car-load rate from Quebec to any point on the Intercolonial as far east as Rivière du Loup is the same as from Levis, although the l.c.l. rate from Quebec up to a distance of about 100 miles is greater from Quebec than from Levis. The same condition exists on the National Transcontinental as far east as Monk.

It is alleged by the C.N.R. authorities that, on grain coming from the west via either the C.N.R. or the N.T.R., they are entitled to a higher rate to Lévis than to Quebec because they have to cross the Quebec bridge, a very expensive structure, although, as everything must come to the bridge on the Quebec side, the actual distance over the bridge and down to Levis would be practically no greater than from the bridge down to the city of Quebec.

It also must be borne in mind that, now that the Grand Trunk is being merged as an integral part of the C.N.R. system, their rate to Levis is the same as to Quebec, and it would seem that some change either by raising the Quebec rate or lowering the Levis rate must be worked out immediately this amalgamation takes effect.

I am not able to convince myself that the cost of the bridge should be seriously considered by this Board in deciding what would be a just and reasonable rate. Rather, in my opinion, it should be the cost of operating the railroad that should govern to a very great extent, although maintenance would be a part of that cost and the maintenance of the bridge would, no doubt, play some part.

However, as a matter of equity to the merchants of Levis, considering that the distance is practically the same, I think the rate to Levis should be the same as to Quebec, and, therefore, think an order should issue authorizing the Canadian National Railways to file a rate to Levis of 40½ cents from the head of the Lakes, the same as is now in existence to Quebec.

Re classification minimum weight of mined carload of office furniture, filing cases, and supplies

Judgment, Chief Commissioner ('arrell, July 25, 1921, concurred in by the Assistant Chief Commissioner and Commissioner Boyce.

This is an application of the Canadian Manufacturers' Association on behalf of the Office Specialty Company, Limited, for a reduction in the classification minimum weight of mixed carloads of office furniture, filing cases, and supplies.

I think it would be an unwise course to reduce the minimum on such a commodity when it has been proved that it is quite feasible to load an ordinary car to the minimum required. In fact, in six cars referred to at the hearing, two to Winnipeg and four to Montreal, it was shown that they all exceeded 24,000 pounds and averaged 26,804 pounds per car. No doubt it would be an advantage in shipping to small communities to have a reduced minimum, but that is simply taking the money from the railway company for the benefit of the manufacturers.

I entirely concur in the report of Mr. Brown, Chief Clerk, Traffic Department, herein, and think the application should be dismissed.

APPLICATION RUBBER ASSOCIATION OF CANADA FOR REVISED RATINGS ON RUBBER TIRES AND TUBES

Judgment, Chief Commissioner Carvell, July 25, 1921, concurred in by the Deputy Chief Commissioner.

This application was heard by the Board on March 15 last, and, in substance, is a request by the Rubber Association of Canada to have the carload classification on pneumatic tires and tubes reduced from second to third class, the minimum to be increased from 16,000 pounds to 20,000 pounds.

This same application was before the Board in November, 1917, but was refused. Conditions, however, since that date, have very materially changed. The business has grown from a few cars to over 1,000 cars per year, and the United States classification in all territories has been established at third class with a 20,000 pound minimum. This of itself would not be a compelling reason for a like change in Canada. The difficulty is that large quantities of tires are being imported into Canada from United States points under the joint tariff, which is third class, entering into competition with Canadian tires which are classified second.

In my judgment, while it might not be, strictly speaking, discrimination because of the joint through tariff, yet it is an undue preference given to the American manufacturer over his Canadian competitor, and, therefore, I think the classification should be changed accordingly to apply both to pneumatic tires and rubber inner tubes, especially as the Canadian third class rate is considerably higher than the American third class, as will be shown by the following comparison:—

## RATES TO TORONTO

From	U.S.	Rates	Canadian Rates						
	1st	3rd	1st	2nd	3rd	4th			
Boston. New York. Clev eland. Ak <sub>r</sub> on. Ch <sub>i</sub> cago. St. Louis. Albany.	$ \begin{array}{c} 112 \\ 119\frac{1}{2} \\ 102 \\ 106\frac{1}{2} \\ 116 \\ 139\frac{1}{2} \\ 88 \end{array} $	$\begin{array}{c c} 76\frac{1}{2} \\ 80 \\ 68 \\ 70\frac{1}{2} \\ 77\frac{1}{2} \\ 93 \\ 60 \\ \end{array}$	$\begin{array}{c} 112 \\ 121 \\ 101\frac{1}{2} \\ 104\frac{1}{2} \\ 117 \\ 140\frac{1}{2} \\ 90 \end{array}$	$\begin{array}{c} 98\frac{1}{2} \\ 104\frac{1}{2} \\ 90 \\ 91 \\ 103\frac{1}{2} \\ 122 \\ 77\frac{1}{2} \end{array}$	$\begin{array}{c} 85 \\ 91 \\ 76\frac{1}{2} \\ 79\frac{1}{2} \\ 88 \\ 104\frac{1}{2} \\ 68 \end{array}$	$70$ $76\frac{1}{2}$ $64$ $66$ $73\frac{1}{2}$ $88$ $56\frac{1}{2}$			

They also ask that rubber pneumatic tires in metal strapped and sealed bundles be given the first class 1.c.1. rate instead of 1½ times first as at present. It seems that if rubber tires are crated, they move at the first class 1.c.1. rate, and otherwise at 1½ times first. The crating is a provision found in numerous instances in railway classifications, and, of course, is for the purpose of protecting the goods from breakage and for facility in handling. I fail to see how there could be any possibility of breakage in a bundle of rubber tires securely fastened together with steel bands, and I also fail to see why they could not be handled even more cheaply in that form than when crated, and, for these reasons, I think tires, when properly strapped, should receive the same classification as when crated.

Therefore, an Order should issue changing the classification on rubber pneumatic tires and rubber inner tubes from second to third class, with the minimum increased from 16,000 to 20,000 pounds, and, when in metal strapped and sealed bundles, the 1.c.1. rate should be reduced to first class.

Judgment in dissent, Assistant Chief Commissioner McLean, July 26, 1921.

Regarding the application to have rubber pneumatic tires, in metal strapped and scaled bundles, given a rate of first-class L.C.L., instead of 11 times first, as at present, it seems to me that the method of taking care of the package puts it in a position which is comparable, as to classification, with the classification in boxes and crates. Admittedly, the factor of damage does not enter in. I am of opinion, therefore, that the first-class rate L.C.L. should be allowed.

In regard to the carlot rating asked for, involving a reduction from second to third class, it appears from the statements of applicants, as frankly set forth in their application, that the practice of price equality prevails in Canada regardless of the selling price. This may be, and no doubt is, a very satisfactory method of conducting business, but the effect of the reduction asked for is that it will enurse entirely to the

Canadian tire industry, and not at all to the consumer.

In Berliner Gramaphone Co. vs. Canadian Freight Association, 14 Can. Ry. Cas. 175, the Board had before it a case involving the classification of gramaphones, the situation being that the Berliner Company had the entire control of the selling price of the gramaphones. In a judgment then rendered, I used the following language:—

"In the present application, the Board is confronted with a situation in which the retail price of the article produced is entirely controlled by the producing company. The price is uniform regardless of local conditions, length of haul, or freight charges. The price cannot be increased without the permission of the Berliner Company, and if the price is reduced by a dealer, the penalty is that the dealer will no longer be permitted to carry the instruments in question. It is not within the scope of the Board's jurisdiction to pass any opinion upon the legitimacy of the arrangement above, outlined. It is justifiable to recognize the fact.

"It would appear upon the facts of the application before the Board that it is in essence simply a question of readjusting profits between the railway and the producer, jobbers and retailers concerned, and that the consumer in no way stands to gain from any change in the situation. It has not been established that the rates are unreasonable, and I am therefore of the opinion that a case has not been made out for the interference of the Board."

It should be pointed out that the majority decided against me; at the same time the majority decision turned upon the question as to whether a gramaphone was a "musical instrument," and, therefore, entitled to enter into the "musical instruments" list in the freight classification. I did not disagree in regard to the gramaphone being a musical instrument; and as the judgment of the majority went on this ground, the position taken in my judgment was, in reality, not overruled. What was involved in that application is similar to what is involved here. The commodity concerned is disposed of at a fixed price. If I could see that the granting of the application would have any bearing upon some portion at least of the reduction getting to the consumer, this would have weight with me. On the facts of the present application, I see no chance of it.

EXCHANGE RENTALS AND CHARGES FOR SERVICE, BRITISH COLUMBIA TELEPHONE COMPANY

Judgment, Assistant Chief Commissioner McLean, July 26, 1921.

The reasons for judgment of the Chief Commissioner set out that the correctness of the physical valuation submitted was not challenged.

It was stated by counsel for the city of Vancouver, as an argument against the adoption of physical valuation as a basis in the present case, that physical valuation

had not been taken by the Board as a basis for rate-making in any case which had come before it. This presentation of the matter requires some analysis.

In the Montreal Telephone Case, 15 Can. Ry. Cas., 118, figures were submitted by the Bell Telephone Company setting out its estimate as to the cost of replacing the plant in Montreal. The city of Montreal took the position that the proper basis for the computations that would show the reasonableness or otherwise of the rates was to be found in the book value of the plant. The Board held that the Bell Company being, in general, in satisfactory financial condition, and it not being shown that Montreal was not giving its proper proportion to the general revenues of the company, it was not necessary to go into any detailed analysis of the computations submitted by the company as bearing upon the physical valuation. Thereafter, a test of the alleged excessive revenue as set out by the City of Montreal was made on the basis of book value as contended for by the city, and it was held that the facts did not justify the reduction asked for.

In the two general rate applications of the Bell Telephone Company which have been before the Board, the applications as launched turn upon the question of the return on capital; consequently a ruling upon the question of physical valuation was not necessary to the issue involved.

The only case where there has been a pronouncement by the Board on the matter of physical valuation in a decision of the Board, as distinct from what is contained in an individual judgment in concurrence, was the interim judgment of former Chief Commissioner Drayton in connection with the Bell Telephone Company's application launched in 1918. There, in dealing with the material necessary to be submitted by the company as bearing on the temporary increase, the judgment contained the following language, pointing to physical valuation as a basis of permanent rates:—

"In my opinion, should it be found necessary to increase the company's rates, they should be increased subject to the Board's further order and to the further provision, in the meantime, that such data be collected and valuations made as will enable a proper telephone rate to be determined when conditions are ascertained to be constant."

"I would, therefore, give effect to the spirit of the municipality's application and provide merely for temporary increases if necessary. In my view, however, their duration ought also not to be fixed. They should remain in effect until operating costs and plant values become normal, when the permanent rates ought to be considered."

If the contention advanced during the hearing that rates should be fixed for localities after analysis of the local investments in plant in each case, is accepted, it of necessity follows that a valuation would have to be made. In the absence of complete detail as to book costs, physical valuation would then have to be used. I understand from the evidence at the hearing in Vancouver that Mr. Judson testified that, wherever possible, book costs were made use of in the valuation submitted by him.

Emphasis was laid, in the course of the hearing, on the fact that the total reserve for depreciation was in excess of 30 per cent; and it was argued that this of itself was evidence of the fact that an increase in rates was not necessary.

At the hearing in Vancouver, in answer to a question bearing on the amount in the depreciation for reserve, Mr. Halse said that if the company had been able to replace the material which should have been replaced the figure would have been nearer 20 per cent.

In the evidence, Mr. Meldrum stated that in the United States the practice was that "after a company has been going one or two cycles of the wearing out of the plant, we consider 20 per cent a fair, honest and conservative balance to keep in that reserve." His position was that when a plant was well established a 20 per cent

maximum was normally sufficient. He stated, in substance, that the applicant telephone company had not had a sufficiently long life to allow this limitation to apply. (Evid. vol. 362, p. 7976.) Mr. Hammond V. Hayes gave testimony to substantially the same effect. In evidence before the Board in the Bell Telephone Company's applications of 1918 and 1919, Mr. Hagenah, who appeared as an expert for the city of Montreal (Evid., vol. 299, p. 2421), stated, "That telephone plant which has lived approximately through one cycle of telephone life, when maintained in a normal and usual manner, is in an approximate 80 per cent condition."

There is an apparent agreement among the experts that before the 20 per cent factor can be taken as a criterion, the plant must have lived through one cycle. If a rate of 6.04 per cent is taken, one cycle means a life of 16.6 years. The plant as at

present developed has had a shorter life than this.

I agree in the findings of the Chief Commissioner as to the rate increases which are on the record found necessary and justifiable.

Judgment, Chief Commissioner Carvell, November 17, 1921, concurred in by the Assistant Chief Commissioner and Commissioners Boyce and Rutherford.

When the British Columbia Telephone Company applied to this Board, in the month of March last, for an increase in rates, they filed a schedule attached to their application which they suggested should be approved by the Board as submitted. This schedule suggested certain rates for all exchanges and services in the system, an examination of which showed that increases amounting to about 15 per cent were asked for in Vancouver, Victoria, New Westminster, Nanaimo, and North Vancouver, but no increases in exchange rates were asked for in any other exchanges in the province. It is unnecessary to refer to the services, as there is no difference of opinion about these.

When the judgment was written, it was particularly stated at the beginning

thereof as follows:-

"This is an application of the British Columbia Telephone Company for an increase in rates amounting to about 15 per cent on a certain portion of its business as carried on at the exchanges particularly mentioned in the application. The application does not apply for any increase in the Kootenay District, etc.-

and at the hearing, both in Vancouver and Ottawa, it was distinctly understood that it was not the intention of the applicants to increase exchange rates excepting in the five places hereinbefore mentioned.

With this understanding in my mind, I, therefore, stated on page 13 of the

judgment as follows:-

"I, therefore, find that the company should be allowed to increase their rates for the exchanges and services set forth in the application by the sum of 10 per cent"-

which I thought quite clearly expressed the intention of the Board and coincided

with the general understanding at the hearing.

The company thereupon filed a tariff applying the 10 per cent increase to all exchanges, not confining it to the five heretofore mentioned, claiming this was their interpretation of the judgment.

The company has not properly interpreted the judgment, and the increase in exchange rates should be allowed only in the five places hereinbefore referred to. Tariffs to that effect should be filed immediately, effective December 1 next.

The tariffs in existence for the past three months were filed in accordance with

the provisions of the Railway Act.

COMPLAINT NUKOL FUEL COMPANY, LIMITED, TORONTO, AGAINST CANCELLATION OF COMMODITY RATES ON COAL BRIQUETTES

Judgment, Assistant Chief Commissioner, July 28, 1921, concurred in by Commissioner Rutherford.

Effective March 16, 1920, the Grand Trunk and Canadian Pacific Railway Companies published commodity rates on coal briquettes from Toronto to a number of points in Ontario; and on March 18, 1921, the rates were withdrawn by the railway companies. The commodity rate which was thus in operation in the period in question out from Toronto was the Buffalo rate on briquettes made applicable from Toronto.

At present briquettes move out from Toronto on the coal mileage rate.

asked for is a commodity rate equal to 75 per cent of the coal mileage rates.

It was stated by the applicant that there was competition from the coal and imported briquettes moving in by way of Buffalo. In respect of movements to points in northern Ontario the evidence was that the applicant could compete with the coal rate from Buffalo. He represented, however, that on easterly and westerly movements his product was submitted to "rather close competition" by the rates from Buffalo on either coal or imported briquettes.

Some exception was taken to the raw material for briquettes moving on the same rate as prepared sizes, and it was set out that in the United States a lower rate was given to briquetting plants. The tariffs covering the practice alleged are not on file with the Board, and the subject matter of the tariffs is one not under the Board's jurisdiction. In view of the fact that the applicant is asking for a reduction on the manufactured article out, not on the raw material in, the comparison is not conclusive.

Tariffs have been checked showing the movements from Buffalo and from Detroit to various points. On movements from Buffalo into Canada seven points have been checked with mileages from 22 to 64. By Michigan Central tariffs, the rate for anthracite briquettes and anthracite coal, prepared sizes, is the same. From Detroit to various Canadian points, the longest distance being Toronto, the briquette rate is higher. Toronto, with a rate of \$1.15 on coal, has a rate of \$1.65 on briquettes. Brampton has rates of \$1.45 and \$1.65. Orangeville, a branch line movement, has a rate of \$1.80 on coal and \$2 on briquettes. London and St. Thomas have respective rates of \$1.25 and \$1.45.

In dealing with increases in rates in its judgment of September 6, 1920, the Board prescribed a very much lower rate of increase on coal than was provided for in the increase of rates south of the international boundary. While in official classification territory there was, in general a 40 per cent increase allowed, the increase on coal in Canada varied from 10 cents to a maximum of 20 cents per ton. What is asked for here is a reduction as to a particular item moving on the coal mileage scale.

During 1920, the applicants moved about 200 cars on the Grand Trunk. The Canadian Pacific submitted a statement of some 50 cars moving in the period March 15, 1920, to April 15, 1920. On further analysis of these, it appears that 35 of these were handled by the Grand Trunk and 15 by the Canadian Pacific. During the period the commodity rates were in operation, the Grand Trunk moved 71 cars of briquettes to points to which commodity rates had been established. The commodity rates operated as a maximum to intermediate points, and seven cars of briquettes moved to such intermediate points; 122 cars moved to points to which no commodity rates were effective; consequently they were handled on the mileage basis. The coal mileage basis is the rate on which the local movements on coal and on gas-house coke take place. During the period when some 200 cars of briquettes moved, 78 of these

being on the commodity rate, there were some 75,000 tons of coal moved on the coal mileage rate, which would be equivalent to the movement of 1,500 cars.

It was admitted by the applicant in evidence that the briquettes in question were somewhat higher in thermal units than anthracite. The following discussion took place:—

"The Assistant Chief Commissioner: How does your briquette compare in thermal units with anthracite?

"Mr. Schuch: It is higher in thermal units, very slightly. We make no point of that.

"The Assistant Chief Commissioner: A ton of your product is equal,

and perhaps somewhat better than a ton of anthracite in fuel value?

"Mr. Schuch: Yes, sir. I can point to you that our briquettes have an ash content of 16 per cent, and I can show you shipments of coal coming in with as high a percentage as 25 of ash.

"The Assistant Chief Commissioner: It is claimed for briquettes that there is a smaller percentage of ash so that it is really the competition of a

better product selling at a lower price.

"Mr. Schuch: That is quite so. There is coming a day when briquettes

will be able to demand a price equal to or exceeding that of coal."

What is being asked for is, in effect, a preference for one article now moving on the coal mileage scale in comparison with other articles moving on the coal mileage scale, with which articles the briquettes are competitive.

The Board has recognized that where a carrier handles the raw material in and the finished material out, it may consider this and give a reduced rate on the

inbound traffic.

Michigan Central Sugar Co. vs. C.W. and L.E. Ry. Co., 11 Can. Ry. Cas., 353.

International Paper Co. vs. G.T., C.P. and C.N. Ry. Cos., 15 Can. Ry. Cas., 111, at p. 115.

What is asked for here is the converse; that is to say, it is asked that there should be a reduction on the outbound rate. Further, the reduction asked for, for example in the case of the Grand Trunk, is not limited to a reduction out on the manufactured material made from the raw material carried in on the Grand Trunk; but the application as launched is, in effect, one for a reduction in rate outbound, irrespective of the fact whether the outbound carrier has had the advantage of the inbound haul.

The judgment in the International Paper Company, above referred to, raised the query as to whether the original shippers should not obtain in all instances the same rates on the rough commodity irrespective of the movement out of the finished material (see p. 115). It concluded that on account of the established practice, it would be impossible to discontinue the application of the principle without a com-

plete dislocation of existing tariffs built up on this practice.

While there is no question that the Board has power to deal with the question of through rates, and to provide that the through rates shall be less than the sum of the locals, what is herein involved is a matter of two separate contracts of carriage—the contract of carriage in on the raw material and the contract of carriage out on the finished material, the two contracts not being of necessity tied up to movements on the same railway. Unless there are special factors affecting the briquette industry, the Board, in my opinion, would have to look to the reasonableness of the rate in on the raw material and the reasonableness of the rate out on the finished material.

Towards the close of the hearing, the opinion was, in substance, expressed by applicant that a final determination of the matter would properly rest upon a wider development of the industry than at present existed. Mr. Schuch, who appeared for

the applicant, expressed the opinion that it would be unfair to the briquette business in general for the Board to make a decision on the business concerned with the single plant of the applicant; and in response to a query as to whether the Board should wait until some more plants were established, he said he would rather have this done than have a higher rate established and maintained. I understand that what is meant by the latter statement is a declaration by the Board that the higher rates should be maintained.

On what is before the Board, I am of opinion that the application for a reduced basis applied for has not been justified.

COMPLAINT CONSUMERS METAL COMPANY, LIMITED, OF MONTREAL, AGAINST RATES CHARGED ON SCRAP IRON FROM CANADA TO THE UNITED STATES

Judgment, Chief Commissioner Carrell, August 3, 1921, concurred in by the Deputy Chief Commissioner and Commissioner Boyce.

At the Montreal sittings on March 23 application was made by the Consumers Metal Company, Limited, of Montreal, taking exception to the consolidated classification, which figures the ton at 2,000 pounds instead of the gross ton at 2,240 pounds. It appears from the evidence that prior to January 1, 1920, what was known as the official classification applied in both directions in international traffic between the United States and Canada. On that date there was a consolidation of the western, southern and official classifications into what is known as the consolidated classification. In the old official classification scrap iron was shown as sixth class, with a note to the effect that 2,240 pounds would be taken as 2,000 pounds and this was changed by the consolidated classification.

If I correctly understood the applicant, he really asked that an exception be made of still carrying 2,240 pounds for a ton, the same as is still being done by some of the American roads. The Canadian railways objected, claiming that the consolidated classification should govern. The real difficulty seemed to be, that on account of commercial depression there is very little demand and a very low price for scrap iron, and it was the applicant's opinion that if the classification could be changed it would assist him to that extent.

This, of course, is true, but if rates were to be built upon the market price of the commodity, under present conditions, scores of commodities would require a reduced rate. In my opinion the cost to a company carrying the goods is the true criterion and not the selling price, and therefore I feel the application should be refused.

APPLICATION SUTHERLAND-INNES COMPANY, LIMITED, OF CHATHAM, FOR A CLASSIFICATION ON COOPERAGE STOCK SIMILAR TO LUMBER RATE BASIS

Judgment, Assistant Chief Commissioner McLean, October 3, 1921, concurred in by Commissioner Boyce.

By the Board's decision of July 30, 1904, in the matter of the application of the Sutherland-Innes Company and the Wallaceburg Cooperage Company vs the Pere Marquette Railroad Company, the Michigan Central Railroad Company, the Wabash, the Grand Trunk and the Canadian Pacific Companies, it was pointed out that it had been the general practice of the railways to include cooperage stock by carloads in their special mileage tariffs on lumber so as to take the mileage lumber tariff rates to points in Eastern Canada. Some question had arisen on account of the cooperage stock having been omitted from some of the tariffs, and the judgment held that 20c-9

cooperage stock should be included at the same rates as common lumber in the mileage tariffs of the railways applying on lumber and other commodities carried at lumber

In addition, there was dealt with in the judgment a question of specific rates to Montreal from Chatham and Wallaceburg. The commodity rates so established took into consideration, as set out in the judgment, a variety of factors pertinent to the situation. While a commodity rate basis from Chatham and Wallaceburg was directed, the following language is contained in the judgment:—

"It is not intended by this order that any special rates on lumber lower than the special mileage tariffs, made in competition with water routes, or for other exceptional reasons, must necessarily be charged on cooperage stock also."

This action left open to the Board to consider on its merits each specific application for a community rate basis.

At present there applies on the movement of cooperage stock from Smiths Falls to Montreal the rates applicable under the lumber mileage scale. This rate, as affected by the various rate increases which have been found necessary, is now 20½ cents. The commodity lumber rate from Smiths Falls to Montreal, as affected by the various rate increases, is 17 cents per 100 pounds.

The matter as launched in the present application is in effect that the commodity lumber rate should extend to cooperage stock generally. On the matter as developed a justification for a direction of general application has not been made out. I am, at the same time, of the opinion that the lumber commodity rate should, in the case of the movement from Smiths Falls to Montreal, be made applicable to cooperage stock. Said rate should be filed to be effective within ten days from the date of the order.

## CAR DEMURRAGE RULES

Assistant Chief Commissioner Carrell, October 10, 1921, concurred in by the Assistant Chief Commissioner, Deputy Chief Commissioner, and Commissioner Rutherford.

An application was launched some months ago by the Canadian Manufacturers, in which they were joined by representatives of many Canadian industries, asking that the ear demurrage rules as prescribed by General Order No. 201, bearing date the 1st day of August, A.D. 1917, be an ended, practically asking that the rate be \$1 per car per day after the 48 hours free time.

At the hearing in Ottawa on the 21st of June last, the following gentlemen

appeared for their respective interests:-

S. B. Brown, for the Canadian Manufacturers' Association.

Thomas Marshall, for the Toronto Board of Trade and the Halifax Board of Trade.

George B. Ruickbie, for the Canadian Pulp and Paper Association.

- W. S. Tilston, for the Montreal Board of Trade.
- G. B. Watts, for the Dominion Millers' Association.
- R. L. Sargent, for the Canadian Lumbermen's Association.
- E. P. Flintoft, for the Canadian Pacific Railway.
- J. M. Daly, for the Canadian Coal Association.
- W. R. Caldwell, for the Hamilton Chamber of Commerce.
- W. C. Chisholm, K.C., for the Grand Trunk Railway.

Rule 9 of General Order No. 201 reads as follows:—

"RULE 9—DEMURRAGE CHARGE

"After the expiration of the free time allowed, the following charges shall be made until the car is released:—

For the first day, or fraction thereof, of delay, One dollar.

For the second day, or fraction thereof, of delay, Two dollars.

For the third day, or fraction thereof, of delay, Three dollars.

For the fourth day, or fraction thereof, of delay, Four dollars.

For the fifth and each succeeding day, or fraction of a day, Five dollars.

It was contended on behalf of most of the applicants, and, I think, admitted, that this rule was issued as a war measure for the purpose of securing the release of equipment in the shortest time possible rather than as a revenue measure. In other words, a penalty was imposed on the detention of cars above forty-eight hours' free time in the hope that it would facilitate their unloading to some extent. It is now contended that as the war is over and especially as equipment is very plentiful upon all Canadian roads, the rule should be abolished and there should be a return to pre-war conditions.

As the case developed, there seemed to be considerable difference of opinion, but I think I can fairly represent the views of the great majority of the interests represented in stating that they were all in favour of a higher rate than \$1 per day under certain conditions, the difficulty being as to when the higher rate should begin. All agreed, of course, that there should be forty-eight hours' free time. I think all agreed that, for the first day thereafter, there should be a charge of \$1, and many agreed that the ultimate charge should reach \$5 per day. Everybody admitted the necessity of releasing equipment at the earliest possible moment.

If there continued to be the same excess of freight equipment in the future as exists at the present time, I would have no hesitation in recommending a repeal of rule 9 and going back to the \$1 per day, but we have no guarantee of such a condition. In fact, I think every person can sincerely hope that there will be a change and, when the change comes, then, in my judgment, there should be some inducement to compel shippers to use all due diligence in loading and unloading freight cars. Perhaps the late Mr. Tilston, representing the Montreal Board of Trade, expressed my views better than I can do myself when he stated as follows:—

"We think very often a man who is honestly endeavouring to unload his car, but is frequently unable to do so the first day through weather conditions, or in getting cars from different places, should not be penalized, and that is probably the reason the first day the per diem is left at \$1, so that he will not be penalized. If that \$1 per day was allowed to continue without any increase, it would be cheaper for a man to store the great bulk of his goods, such as coal, oats, and material in cars rather than unload them, and a system such as that, in a very few days, would block up all the terminals and prevent proper movement and delivery on team tracks and sidings of the ordinary commercial traffic. The man who unloads his freight within one or two or three days after the free time is not the man this penalty reaches, or the man they are trying to get at. It is the man who has no facilities, or no proper facilities, and who is holding cars on the market."

Mr. Tilston seemed to agree with the suggestion which had previously been made by the Assistant Chief Commissioner that, for the first two days after the forty-eight hours' free time, the charge should be \$1 per day and thereafter \$5 per day. This, in my judgment, would be a reasonable rule to apply. There ought to be no good

reason why a sur could not be unloaded in four days, which would only cost \$2 by way of demurrage. If kept for a longer time, even if through causes over which the shipper has not control, still, in the interest of the general release of equipment, I think a penalty of \$5 would not be unreasonable, and, therefore, think order should be amended accordingly.

APPLICATION DEPARTMENT OF RAILWAYS AND TELEPHONES, ALBERTA, FOR THE PRIVILEGE OF STOPPING IN TRANSIT CARLOADS OF TELEPHONE POLES FOR TREATMENT

Judgment, Commissioner Boyce, October 25, 1921, concurred in by the Chief Commissioner.

Unless what is asked for can be granted by this Board, by virtue of section 312 of the Railway Act, subsection (c) added as a new subsection in the Consolidation of 1919, I do not see that it is possible for this Board to exercise jurisdiction and give the

The creosoting of telephone poles in transit is not a customary or usual service service asked for. in connection with the business of a railway company, but what is involved is that the section, as amended, be invoked to give the Board a jurisdiction it has uniformly held that it does not rossess, namely, to order the carrier to give the shipper the right to stop-off in transit telephone poles for creosote treament and continue transit in

the improved condition on the one through rate. During the hearing of the case, the Chief Commissioner remarked that if the Board exercised jurisdiction under the subsection mentioned and granted an application of this kind it would mean that the Board would have a tremendous number of the like applications, and, as Mr. Lanigan pointed out for the railway company, the local freight business of the railway would be dislocated and demoralized. A number of instances were cited where similar applications might be made with equal force. In several cases this Board has held that it has no jurisdiction to order such a service. That it is wholly a privilege-not a right-accorded by the railway company to the shipper, and heretofore has been restricted to the milling in transit of grain, and that the jurisdiction of this Board is restricted solely to questions of discrimination in the granting of such privilege to one shipper and denying it to another, under conditions that call for the intervention of the Board to prevent unjust discrimination, or difference of treatment.

Sudbury Brewing Co. v. C.P.R., 18 C.R.C., p. 411.

Koch v. Pennsylvania R.R. Co., 10 I.C.C.R., p. 675.

United Grain Growers et al v. Can. Freight Association, 24 C.R.C., p. 128.

The same principle was followed and affirmed at the hearing of an application by the Shingle Agency of British Columbia for an order that the railway companies in that section of the country (British Columbia) allow the privilege of dressing and sorting in transit rates-Board's file No. 27194-in the course of which hearing the then Chief Commissioner said (vol. 251, p. 4181):-

"The Board has no jurisdiction unless there is a question of discrimination. We cannot interfere except in cases of discrimination." Under the circumstances, I would refuse the application.

APPLICATION FESSERTON TIMBER COMPANY, LIMITED, OF TORONTO, FOR SAME RATES ON RAW WOOD MATERIAL FOR THE MANUFACTURE OF LATHS, AS PUBLISHED FOR THE CARRIAGE OF CORDWOOD

Judgment, Commissioner Boyce, November 8, 1921, concurred in by Commissioner Rutherford.

At the close of the hearing counsel for the railway intimated that the complaint would be given some further consideration with a view of the possibility of coming to some arrangement with the complainants. It is intimated that disposition must be made by the Board upon the case and arguments as presented.

The complaint is based upon the contention that as the complainants are manufacturing lath direct from the log (upon which they have been paying the mileage rate on log for manufacturing purposes) the rate upon the inward material (cordwood) should be no higher than that on cordwood shipped to chemical plants, or on pulpwood to mills for manufacturing purposes.

It is alleged in the initial complaint that the cordwood the complainants use is "the rough material after the lumbermen and tiemen have taken all the logs they require for lumber and railway ties, and we also buy from the settlers material they cannot sell for anything else." They state (April 5, 1920) that they are not shipping in logs, and buy the "ordinary soft cordwood that is taken out," or as Mr. Mason put it, at the hearing, "they manufacture lath, not in the ordinary way as a byproduct of the log, but from the refuse of logs, which for many years has been unsaleable." They claim that the industry should be entitled to special consideration because it employs and makes use of refuse timber which would otherwise be left in the bush, paying the settlers a price therefore which they otherwise could not get, creating employment for men, and furnishing traffic for the railways, out of material otherwise refuse and valuelesss.

These contentions are not entirely borne out by the facts. The advertisement of the firm calls for cordwood, of pine, spruce, balsam, hemlock, tamarac, poplar, cedar and ash of particular specifications, namely, "4 inches and up in diameter at small end, and cut 49 inches long. Sound straight timber. Any wood now cut 48 inches long will be taken same as 49 inches, but all wood, from now on, must be cut 49 inches." And, at the hearing, Major Hart, for complainants, said (vol. 335, p. 6012): "We are looking for sound, straight timber of that particular quality." These specifications and statement are not entirely consistent with the general statements (quoted above), upon which the application is based, and it is further shewn that the complainants are reshipping some of this pulpwood without any process of manufacture.

The business of complainants is manufacturing and the basic material from which the manufactured product is made is the log (cordwood) of specified and particular dimension and character, not refuse, and I am of opinion that the present published rates on logs for manufacturing purposes are properly applicable to the material in question.

The report of the Traffic Department of the Board, dated May 20 last, deals in detail with the whole situation and, I think, satisfactorily disposes of it. I would adopt that report and incorporate it as part of the judgment of the Board, and concur in its conclusions.

The application must be dismissed.

Board of Railway Commissioners for Canada—Traffic Department, Ottawa, Ont., May 20, 1921.

T.D. 13935

File No. 27685.14

# Report of Geo. A. Brown, Chief Clerk, Traffic Department.

Applicants have established mills at various points for the manufacture of lath direct from the log instead of from slabs and have been paying on their inward material the log mileage rates applicable for manufacturing purposes. They claim that rates should be no higher than applied on cordwood shipped to chemical plants or on pulpwood to mills for manufacturing and reshipment.

Since the application was made there has been a change in the mileage scales by reason of the reduction on January 1, 1921, under the Board's General Order No. 308 and to show the relation between the different scales I give below the present published rates up to 200 miles, which is the limit of the territory from which applicants receive their raw material, also the mileage rates applicable on lumber, lath, shingles and other products of saw-mills:—

			Rates in	cents	
		A Per 100 lbs.	B Per 100 lbs.	C Per Cord	D Per 100 lbs.
Not over 5 mile:  Over 5 not over 5 mile:  10 " 20 " 30 " 40 " 50 " 70 " 80 " 90 " 100 " 125 " 150 "	r 10 miles	8 9 9 11 11 11 11 11 12 12 12 14	$\begin{array}{c} 4\\ 55\frac{1}{12}\\ 6\\ 6\\ 7\\ 7\frac{1}{12}\\ 9\\ 9\\ 9\frac{1}{2}\\ 10\\ 11\\ 12\\ 13\frac{1}{3}\\ \end{array}$	135 135 149 162 176 189 203 210 216 223 230 243 257 270 284	$\begin{array}{c} 7\\ 7\frac{1}{2}\\ 9\\ 10\\ 11\\ 12\\ 13\frac{1}{2}\\ 14\\ 16\\ 17\\ 17\frac{1}{2}\\ 19\\ 19\frac{1}{2}\\ 19\frac{1}{2}\\ 21\\ \end{array}$

A Logs for manufacturing.

The rates applied on wood for chemical plants are on a very low basis, lower than on cordwood for fuel purposes, although the latter commodity was increased

but ten per cent under the last General Increase Judgment.

They were established many years ago by railways to encourage plants producing commodities which pay comparatively high freight rates on the outward products, charcoal, acetate of lime and wood alcohol, while the lath to be shipped by Applicants is carried at mileage or special commodity rates much lower than 10th class rates: It is true that there is some analogy between the commodities used by the chemical plants and that used by Applicants since both are wood but it will be noticed that in the copy of the poster submitted by Applicants it is required that the wood to be shipped shall be sound, straight timber. It would, therefore, appear that the material required must be selected while I assume the chemical plants take hard wood cordwood without such restriction.

B Pulpwood for manufacturing.

C ('ordwood for chemical plants.)
D Lumber, Lath, Pulpwood, etc.
Tariff ('.P. CRC', E-3818.
Tariff G.T., CRC', E-4397.

The pine, sprice, balsam and poplar may be used as pulpwood and the balance must be culled. The statement that applicants are using a material that could not otherwise be disposed of by settlers does not appear to be quite correct.

The expense bills submitted by Mr. Ranson show that Applicants are culling this

pulpwood and reshipping without further process of manufacture.

The mileage rates on pulpwood for manufacture and reshipment apply only to certain named paper mills and the products, pulp and paper, are charged at rates much higher than applicable to lath.

These mileage rates on raw material are all more or less predicated on the

rates to be obtained on the outward product.

The mills who manufacture from slabs pay the log mileage rate on their inward material and Applicants do not, therefore, appear to be at a disadvantage in com-

petition with such mills by being required to pay the same inward rate.

According to the poster submitted applicants require pine, spruce, balsam, hemlock, tamarac, poplar, cedar, and ash to be cut 49 inches long, and 4 inches and up in diameter at the small end. The material, therefore, consists of short, small logs, not cordwood.

Much of this material could be cut into box shooks, as well as into lath, and possibly the cedar could be used for shingle bolts, all of which would be shipped out at rates lower than applicable to products of paper mills or wood chemical plants.

In my opinion, the material received by complainants has been properly classified by the railways as logs for manufacturing, and I can see no reason why rates lower than the published scale should be established.

Respectfully submitted.

GEO. A. BROWN, Chief Clerk, Traffic Department.

PASSENGER FARES ON THE INTERNATIONAL BRIDGE BETWEEN BRIDGEBURG AND BLACK ROCK

Judgment, Commissioner Boyce, November 10, 1921.

Complaint as to passenger fares on the International bridge between Bridgeburg and Black Rock on what is called the "Dummy Service" was referred to and brought to the attention of the Board by Mr. J. F. Gross, counsel for the town of Bridgeburg, at the hearnig in Toronto, March 5, 1920, of the complaints against the increased commutation fares proposed to be charged by railway companies generally. The case for the complainants was there put before the Board, in a general way, in support of the complaint that the Grand Trunk Railway operating over the International bridge was charging more for fares than was justified by the service given by the company thereof. The reply of the Grand Trunk Railway was subsequently filed and a statement showing the earnings and operation expenses by months, during the years 1918 and 1919 was filed and served upon the complainants. The statement showed a loss in operation upon what is called the "Dummy Service", in 1918 of \$4,837.71 and in 1919 of \$2,692.95. During the whole of the years 1918-19 the statement showed a straight monthly loss from operation, with the exception of one month (October, 1919) which showed a profit of \$21.51. The net loss for these two years shown by this statement therefore. amounted at that time, to \$7,530.66.

The judgment in the Commutation Rates Case, dated April 1, 1920, fixed the minimum charge for this class of traffic at 7½ cents per ride, or 10 trip tickets, good for three months, on the basis of 2.5 cents a mile of travel, subject to the minimum of 7½ cents per ride, and following the Order issued thereupon the Grand Trunk Railway Company published a tariff of 75 cents for 10-trip tickets between Bridgeburg and Black Rock. The railway company thereafter increased the charge for such

10-trip tickets to 90 cents, claiming that the Order of the Interstate Commerce Commission in expante No. 74 allowed an increase of 20 per cent in commutation fares within the United States, and that under General Order No. 303 of this Board the conditions within Canada were allowed to apply similar increases in international rates. This latter rate of 90 cents was disallowed by this Board, upon the ground that Order No. 29512, (the order in the commutation rates case) governed this rate and the minimum of 7½ cents applied, and the railway then adopted, effective May 18, 1920, the rate fixed by the Commutation Rates Order, above quoted, at 7.5 cents per ride. Prior to June 10, 1918, the rate per ride for these tickets was 5 cents, and on June 10, it was advanced to 5.5 cents per ride.

By application, dated November 9, 1920, the town of Bridgeburg applied to the Board for an order, under sections 335 and 359 of the Railway Act, directing the railway and the International Bridge Company to reduce the rates on the "Dummy Service" across the International bridge between Bridgeburg and Black Rock, below the rate fixed as above by the Commutation Rates Order (No. 29592, April 1, 1920), the municipality contending, inter alia, that the service was not a commutation service in the sense ordinarily used, and that the Commutation Rates Order therefore, was not applicable to such service. The applicants also contended that the statute incorporating the Bridge Company (20 Vict., 1857, Cap. 227, section 14.) provided that the International bridge should be as well for the passage of persons on foot, in carriages, and otherwise, as for the passage of railway trains, and that the bridge was constructed, and had always been used, solely for the passage of railway trains, and that the "Dummy Service" had been instituted in lieu of the provision for the passage of persons on foot and in carriage as they were permitted to do by the statute in question, and that therefore the tariff was a bridge tariff rather than a commutation fare.

Upon this basis of complaint the case was heard before the Board, and all questions relating to the history of the bridge, the character, and cost of the service, were fully discussed by counsel for the municipality and the railway. The municipality, by its counsel, contended that the Statute incorporating the Bridge Company, referred to above, constituted a contract between the Bridge Company and the public permitting passengers to cross the bridge, and that there was a continuous breach of this arrangement in the operation by the company, and also that the cost of service over the bridge did not justify the rates charged by the railway company.

In regard to the first objection, it is pointed out that the clause in question (No. 14 of the original Act) has been the occasion of a great deal of litigation, running as far back as the old case of Attorney General of Ontario v. International Bridge Company, 27 Grant Chancery Reports, p. 37, wherein was contended by the Attorney General of the province that the bridge having been constructed, and being used for railway purposes only, and not providing foot path for passengers, the whole structure should be declared a nuisance, and Vice-Chancellor Sprague in an exhaustive judgment. while not holding that the bridge should be declared a nuisance did give effect to the second part of his contention and ordered the railway company to provide a foot path to conform to the requirements of section 14 of the original Act of Incorporation. This decision, however, on appeal was reversed. Vice Attorney General v. International Bridge Company, 6 O.A.R., p. 537, it being there held that the abandonment of that portion of the work of the bridge relating to foot passengers and carriages was not a public nuisance; and the Act of Incorporation was not a contract with the public, but werely gave conditional powers creating correlative duties, and was permissive; and that specific performance thereof would not be enforced. It was further held, upon appeal, that the work being one within the jurisdiction of the Parliament of Canada, which with the knowledge of the state of the bridge, had allowed debentures to be issued upon it, and that therefore the Attorney General of Ontario was not a proper party to file the information asking that it be declared a nuisance, or to enforce the legislative conditions as to its use, and had no locus standing in the case.

Although doubtless the clause referred to embodied in the original Act of Incorporation had been fruitful of a great deal of public controversy and complaint and some litigation, it is not apparent that any other judicial interpretation of the controversial clause 14 has been made, other than that by the Ontario Court of Appeal cited, that is of an interpretative and final character, so as to be binding upon this Board as a matter of law, and the traffic over the bridge has been conducted by this "Dummy Service" instituted by the Railway Company to provide passenger traffic and being a traffic within the jurisdiction of the Board, my view is that, there being no decision of law to the contrary binding upon this Board that the Board must deal with the traffic as it is and confine its examination of the complaint to the question of the reasonableness of the rates charged for that traffic, and I am of opinion that it is not within the scope of this Board's authority and jurisdiction, under the Railway Act of Canada, as Administrator of the provisions thereof relating to traffic, to now interpret section 14 of the original Act of Incorporation of this Bridge Company, or of any other Act or Section thereof relating thereto, in the manner contended for.

The bridge is .86 of a mile in length—i.e. for the purposes of tariff, a mile—and the fare charged is the minimum fare fixed by the Order of the Board, No. 29512, of April 1, 1920. Mr. Gross, for the municipality, was not able to show from figures that the costs were excessive. It was but reasonable that he found himself compelled to confine himself to general statements. His submissions involved the argument that as the bridge is .86 of a mile in length and the "Dummy train " makes 40 single trips daily, it therefore travels 34.40 miles a day for 365 days in a year, making a total of 12,775 per annum, at a cost for the year 1919 of \$17,228.08, or \$1.35 per mile, or nearly \$1.66 for each single trip. He contended that that result shows from the amount of repairs that the outfit is antiquated, from the amount of coal consumed that it is uneconomical, and from the amount of wages paid that it is not capable of performing the service economically, and that therefore, the public is not getting the service it is entitled to. Mr. Chisholm pointed out that the original statute fixed the maximum of tolls to be charged upon the bridge at 25 cents for each foot passenger, 50 cents for each horse and rider, 60 cents for each horse and single carriage, and an addition of 183 cents for each passenger actually travelling in said carriage, etc. He points out that the charge of 25 cents has been reduced over a period of years to 9 cents, and later by the Order of the Board referred to, to 71 cents. "Dun my Service" is operated by an Engineer, Fireman, Conductor and two crews. The operation is in conformity with the general operating rules approved by this Board. The operation is by car 54 to 60 feet long, with an engine and boiler in one end of the car-i.e. one vehicle with an engine operated by steam, in part of the car. The figures originally given by Mr. Chisholm, after the partial hearing that this case received at Toronto, in connection with the Commutation Rates Case, were furnished in detail for the years 1918 and 1919 by items of wages, coal, supplies, handling, repairs, and rental, applicable to motive power and car cleaning and car rental. The wages, coal supplies, and handling, are based upon actual disbursement. The repairs are figured upon a mileage pasis. The rental of \$220.64 per month of \$2,647.68 per annum is based upon 9 per sent of the original cost of the motor cars, being 5 per cent interest, 3 per cent lepreciation, and 1 per cent for insurance, etc.

Where locomotives were used during the time that the "Dummy Service" was indergoing repairs, dates of which are furnished, the same is charged at \$4.90 per lay. The items for car cleaning, amounting in 1918 to \$652.90 and 1919, to \$968.12, re the actual amounts disbursed, and the car rental of \$36.04 per month during these ears is charged at the number of days of car service, at \$5 per day. These figures re not successfully challenged by Mr. Gross, although objected to as excessive.

I do not see any ground upon which the Board, in the circumstances, can take xception to them, although a reduction in the cost of operation is very much to be rished, and might possibly, with little difficulty, be worked out, but these payments

represent the respective net operating deficits above referred to for the years 1913 and 1919, and under the circumstances, I am compelled to come to the conclusion that there is no ground upon which the Board can hold that for anything shown in the cost of operation, the minimum fare fixed by the Board's order, above referred to, is an excessive rate for this service, operated as it is at present, and I would so hold.

It was contended by Mr. Gross that a gasolene car might be instituted for this service by the railway, which would have the effect of greatly reducing cost of operation, with the result that the public might get the benefit by reduced fares. The operation at present, as I have above stated, is governed by the general operating rules applicable to all railways. There is no provision at present either in the Railway Act or by regulation of this Board for the operation of a steam railway under the jurisdiction of this Board by gasolene cars; i.e. a prospective innovation and reformation applicable to short distance lines, which perhaps is much to be desired and may bring about much needed reform by facilitating operations on short distance lines, where cost of ordinary operation would be prohibitive. Such a reform would involve changes in operating rules and other serious considerations involving the necessary and vital provision for public safety, and at present the Board has not gone to the extent of making provision for such a service. Perhaps in the future the railways may be able to satisfy the Board that such operation is possible with safety and economy, under special restrictive conditions.

The complaint must be dismissed.

Re proposed reductions in freight rates and sleeping, pullman, and parlor car fares

Judgment, Chief Commissioner Carvell, September 13, 1921, concurred in by the Deputy Chief Commissioner.

Under section 325 of the Railway Act, 1919, subsection (1):-

"The Board may disallow any tariff or any portion thereof which it considers to be unjust or unreasonable, or contrary to any of the provisions of this Act, and may require the company, within a prescribed time, to substitute a tariff satisfactory to the Board in lieu thereof, or may prescribe other tolls in lieu of the tolls so disallowed."

About a month ago, the Board, of its own motion, instituted an investigation to decide whether or not a change should be made in the freight, pullman and sleeping car rates as now existing in Canada, and requested the railway companies of Canada under its jurisdiction to meet the Board at Ottawa on Tuesday, the 30th day of August last, for the purpose of discussing the whole situation. The proceedings were informal, in the nature of a conference, because we felt that, if a reduction in rates was justified, then no greater delay should be allowed than was absolutely necessary and also that we would probably have a better opportunity of discussing the whole situation than we would at a public hearing.

At the conference, the Canadian Pacific, Grand Trunk, Canadian National, New York Central, Michigan Central, and Temiscouata Railways were specially represented by their officials and, in most cases, solicitors, and all other railways under our jurisdiction were represented by the Railway Association of Canada. Continuous conferences have taken place almost daily down to the present time. Statements were furnished by some of the railways, principally by the Canadian Pacific. I think I am safe in saying that they all deprecated any serious reduction in rates, but contended that, if a reduction were to be made, it should be on special commodities which, in their judgment, would be of particular benefit in expediting commercial transactions in Canada rather than a percentage decrease covering traffic of all kinds.

They all agreed, however, that there should be a reduction in sleeping, pullman, and parlor car rates, practically admitting that the present rates were so high as to prevent a certain amount of traffic. There were some suggestions that the reduction in the rates governing this particular class of traffic should be graduated according to distance, giving a greater percentage reduction on long distance traffic than on the shorter, and with this view on general principals I am inclined to be in accord, but no details have been furnished us up to the present time.

By the Rate Judgment of August, 1920, a flat increase of 40 per cent in Eastern Canada and 35 per cent in Western Canada was given on all freight traffic, with a few exceptions more particularly referred to hereafter, up to the end of December, 1920, and thereafter of 35 per cent in Eastern Canada and 30 per cent in the west and a 50 per cent increase in sleeping car, pullman, and parlor car fares. It was strongly contended by the representatives of the Grand Trunk and Canadian National roads that their finances were such that a rate reduction of any kind excepting that in sleeping car rates, etc., would be a gross injustice to them because, with the Canadian National in particular, their operating expenses far exceed their revenues and a reduction in rates would only aggravate the difficulties under which they were labouring.

In the case of the Canadian Pacific Railway Company, they contended that any reduction in rates would probably endanger their chances of earning dividends for the current year. The decision of this Board in the August Case of 1920 was referred to, in which it was contended that on account of the strong financial position which the Canadian Pacific Railway has occupied in the business life of Canada for many years past, any rate arrangement should be such as to leave them in a position to earn their dividend of 7 per cent. I agreed with that proposition then and reiterate it here, and, therefore, in arriving at a conclusion at the present time, I am doing so entirely on an examination of the traffic and financial requirements of the Canadian Pacific Railway Company.

That company filed with us a very comprehensive analysis of all kinds of traffic for the first seven months of the present year, January to July inclusive, and an estimate of receipts and expenditures for the remaining five months. During the discussions, they were able to produce the gross receipts for the month of August, but the amounts credited to each particular kind of traffic had not been segregated, and therefore we have not the benefit of this information so far as that month is con-

cerned, neither have we any statement of their expenditures.

In the statement filed, they estimated a small deficit. In doing so, they pointed out many important reductions which have been made during the past eight months, and particularly within the last two or three months, which are very considerable and will, to that extent, affect their net at the end of the financial year. Perhaps the two most important reductions are grain from Fort William and lake ports, both to the seaboard and for domestic consumption in Eastern Canada, and live stock. In the case of grain for export, the reduction amounts to 3 cents per 100 pounds from Fort William and 5 cents per 100 pounds from bay ports. They propose to increase the 3 cent reduction from Fort William by 7½ cents, or a total of 10½ cents per 100 pounds, and to reduce the rate on grain for domestic consumption from Fort William by 41 cents per 100 pounds and the rate on grain between stations n Eastern Canada by 21 cents per 100 pounds. This, they estimate, will amount to reduction in revenue of \$1,169,000. In the case of livestock, the reduction amounts o about 25 per cent of the existing rates. The last reduction was made with the entire concurrence of the Board in the month of July last owing to the serious condition in which that important industry found itself by reason of existing conomic conditions, and will, according to the company's estimate, amount to 220,000 from the date of reduction.

They propose a reduction in the rate on hay of 25 per cent, which will amount o \$143,000, this due to the shortage in the hay crop in the provinces of Ontario

They have made and Quebec and, to some extent, in the Maritime Provinces. reductions in the rate on lumber from the Pacific coast to eastern points amounting to \$95,982. They have made reductions in the rates on smelter products to United States points, effective September 22 instant, and to Canadian points, effective August 18 last, which they estimate will produce a reduction in revenue of \$16,985. They propose a reduction in the rate on dressed meats and packing house products from western packing house plants to eastern destinations, but do not state either the percentage of reduction or the estimated loss of revenue therefrom. made reductions in wool and hides from western to eastern points which they estimate will amount to about \$9,000. In addition to these specific cases, a number of substantial reductions have been made between various points and on various commodities, but, as we have not been furnished with details of quantities, I am unable to give any estimate of what the result will be in their revenues. By another computation, they estimate that, with the reductions already in effect and those contemplated, the total reduction in freigh rates for the remainder of the year will be \$2,500,000. These are all very important and are all taken into consideration in arriving at their estimate of their net for the whole year, which, as I said before, they estimate will produce a slight deficit after providing for fixed charges, pensions. Income Tax, and dividends.

The rates granted the railway companies of Canada a year ago were very severe, and I am not at all surprised that they were a great shock to the people generally, who were compelled to patronize the railways and who, of course, would have to pay the extra rates, and yet, after a year's experience and a very close study of the traffic returns from month to month, I am satisfied they were entirely justified and nothing less would have complied with the requirements of the law which says that we should give to the transportation companies "just and reasonable rates". In fact, the final results to the Canadian Pacific Railway Company for the last year, even under these very high rates, only gave them a surplus of \$450,000 after paying their dividends.

At that time, the Chicago Wage Award had gone into effect in the United States, and the executives of the different railways in Canada felt that they were compelled to give the same increases here as had been granted in that country, which, in the case of the Canadian Pacific Railway Company, were estimated at an increase of about \$21,000,000 annually, something over \$7,000,000 being required to meet these wages back to the 1st of May, 1920, because the increased wages went into effect on that date in the United States.

As I felt that in order to avert a catastrophe to the railway companies of Canada a year ago we were compelled to give the increases above referred to, when the same Board in the United States some months ago ordered a reduction in the wages of the employees of the United States railways which amounted to about 12½ per cent, I naturally felt that the Canadian railways should at least make a like reduction, and we are informed they have already put these reductions into effect, dating, in the case of the Canadian Pacific Railway Company, from the 16th day of July last, and all the roads now paying their men on this reduced basis.

Also, as it is admitted by the railways that their materials are costing them at least 25 per cent less than a year ago, I had a very strong impression that the public was entitled to a substantial reduction in freight rates. It could not be exactly the same amount, because our passenger rates, which were increased 20 per cent up to the end of December, 1920, then 10 per cent until the 1st of July, are now back to where they were prior to the Rate Judgment, and there were no increases on a number of commodities hereinafter referred to. My object, therefore, in inviting the railway companies to a conference was to ascertain what would be a reasonable reduction in freight, sleeping, and parlor car rates in order to correspond with the reduction in operating expenses.

I was also very strongly fortified in this opinion by an examination of the Canadian Pacific Railway Company's traffic returns for the first seven months of this year, in which they show net earnings practically \$2,000,000 greater than for the corresponding seven months of 1920. An examination also shows that, during the months of January and February, only a very slight improvement took place in their operations, but, beginning with the month of March, the Canadian Pacific Railway Company have applied their well-known efficient business methods to the operation of their road. Their net, month by month, has shown a satisfactory increase. March, it amounted to \$2,450,000, in April to \$2,646,000, in May to \$3,293,000, in June to \$3,104,000, and in July to \$2,054,000, the reduction during the month of July being accounted for by a large increase in maintenance and equipment charges in getting ready for the fall business. The August net is not available, but we know that the gross is \$16,647,000, or an increase over the July gross of about \$900,000, and I think it fair to assume that their net will show a very satisfactory increase, the result of these economies as above stated being to show a net of nearly \$2,000,000 over the same period for 1920. I am satisfied, not only from the statements of the company's officials but also from a careful analysis of their monthly statements, that this great saving has been accomplished without in any way reducing the high standard of their right of way, equipment, and system in general. It is certainly, considering the great decrease in general business, a wonderful tribute to the business sagacity and ability of this organization.

The problem before us is what will be the results of the last four months of the company's fiscal year. Of course, it can only be an estimate, but the railway company should be in a position to estimate results more accurately than I could do, and I naturally in arriving at a conclusion felt that I must scrutinize very closely these estimates and see whether or not in my opinion they are justifiable. On the whole. I think they are fairly accurate, but I am compelled to disagree with them on a few

very important items.

In the first place, they state that, during the last four months of 1920, their revenue from the transportation of grain and grain products from the point of origin to the head of the lakes was \$20,762,000, and they estimate that, during the like period of this year, it will fall to \$13.387,000, a drop of \$7,374,000, or a decrease of 34 per cent. They point out in justification of this estimate that, on account of crop conditions in Western Canada, the northern portions of the country which are served more largely by the Canadian National Railway lines than by the Canadian Pacific will produce the greater proportion of the grain, and naturally the Canadian National Railway will transport a greater proportion than last year. They also contend that the average haul will be about 20 per cent less than last year in mileage. and, of course, the rate will be 5 per cent less than in 1920, but, with the Canadian Pacific Railway Company's well-known business ability, with their efficient operating staffs, excellent roadbeds, and adequate equipment, I cannot agree that there will be a reduction of anything like 34 per cent in their revenue, especially when they admit that the grain crop will be 4 per cent greater than it was last year. How much less is their estimate than the actual result will be, of course, I am unable to state, because, after all, it is only an estimate, but I will be very much surprised if their revenue from this commodity is not \$2,000,000 greater than their estimate.

Taking the system as a whole, they arrive at their estimate of gross expenses for he last five months of 1921 by applying the percentage of total expenses to total evenue as found in 1920 to a like period in 1921, and, in the statement which they urnish us, they took the total receipts for the last five months of 1920 and the total expenses for the same period and found that the expenditures amounted to 84 per ent of the receipts, and, after estimating the total receipts for the last five months of 1921, they estimated their total expenses on the same basis to be \$70,830,000. From this they deducted certain amounts for the decrease in the cost of labour and naterials, amounting to \$7,302,000, and added \$2,800,000, provision for rails and astenings and the necessary labour in laying same, making the net estimated

expenses for that period \$66,328,000, and, by adding this to the actual expenditures for the first seven months of 1921, arrived at their estimated expenditures for the full year, which, when placed against the estimated revenues, showed, as before stated, a small deficit.

Their attention was called to the fact that, in the months of October, November, and December of 1920, they had included about \$3,400,000 for the retroactive wages of May and June, the result being that a new computation was made based upon an operating ratio of 81.99, or practically 82 per cent, which reduced their estimated

deficit by about \$1,500,000, thus leaving the deficit around \$1,100,000.

If they arrived at the estimated expenditures for the last five months of 1921 upon the same operating ratio as that for 1920, it is perfectly clear that they included in that estimate the same percentage of requirements for rails, fastenings, and the laving of the same as was provided for 1920, and I find from an examination of their traffic returns that, during these five months, they actually expended for these items \$5,945,000. I naturally inquired why it was necessary to include an estimated expenditure for these same items during the last five months of this year in addition to what they lad already provided for by \$2,800,000. This was called to their attention, and the answer was that it was required to bring up the expenditure for this year to what would be required to keep their track in proper condition as these items had been very seriously reduced in the first seven months of this year. I find, however, from an examination of their statements that, during the first seven months of 1920, they expended for these items \$5,435,000 and, for the same period of 1921, \$4,984,000, or a reduction of less than \$450,000. Considering the general reduction in business, in my opinion, the amount expended during the first seven months of this year is quite equal to, if not in excess of, the amount expended for like purposes in the first seven months of 1920, and, therefore, I conclude that they are not justified in adding the item of \$2,800,000 to their estimated expenditures for the last five months of this year. Applying this item alone to their estimated deficit of \$1,100,000, I find they would have a surplus of \$1,673,000.

Then again, I find they estimate for the present year that they will require the sum of \$2,381,498 for income tax, but \$2,300,000 was included in their expenditures for the months of November and December, 1920, for income tax, and, as they have estimated for 1921 the same ratio of expenditures to revenues as actually obtained in 1920, they have already included in their estimated expenses for this year 82 per cent of \$2,300,000, or \$1,886,000, and I am unable to see that they are justified in doing this a second time as they have done. Therefore, instead of adding \$2,381,498, they would have been entitled to add only \$495,498, which would bring their surplus

to over \$3,500,000.

I cannot, however, agree that the expenditures for the last five months of this year will be in the same ratio to carnings as they were in 1920. I find from their returns that, during the months of January and February of 1921, their operating ratio was just about the same as it was in 1920, but, from that time down to the end of July last, being the last month for which we have accurate returns, a very, very substantial improvement has taken place in their operating ratios, as will be seen by the following table:—

OPERATING RATIOS

	1920	1921	Decrease
January February March April May June	per cent. 94.63 93.56 86.52 84.29 79.35 84.47 91.43	per cent. 94·13 91·93 81·95 79·18 74·18 77·90 87·12	per cent. 0.50 1.53 4.57 5.11 5.17 6.47 4.31

This shows an average reduction for the five months, March to July inclusive, of over 5 per cent, due entirely to more economical management, for which the company is entitled to the very greatest credit imaginable. I cannot bring myself to believe that for the remainder of the year they will discontinue this excellent business management and bring their operating ratio back on a parity with what it was for the last five months of 1920. In other words, there must be a continuation of this reduction in operating ratio which, at the end of the year, should show an improvement at least as great as that for the first seven months, which amounted to \$2,000,000, because, while the period is shorter, the traffic is very much greater. If this estimate is anywhere nearly correct, it would give the company a surplus of well

I am not satisfied with their estimate of the reduction in revenue under the item of all other kinds of traffic, which includes everything excepting grain and grain products, hay, lumber, anthracite coal, bituminous coal, ores, live stock, and dressed meats. They estimate a reduction of about 21 per cent, because that was the average reduction on this traffic for the first seven months of this year, but I find that, for the month of July, this reduction only amounted to 13 per cent, and, therefore, while I cannot say to what extent this estimated revenue is smaller than it should be, yet I see no reason why the full 21 per cent should be deducted and think these items will yield more revenue than they anticipate, but, as the question is largely problematical, I make no venture as to the actual amount.

There is one other small item in which their estimates are clearly wrong, although I can quite understand how it happened, that is, the rates for the carrying of mail. A new agreement was made with the Government, effective the 1st day of March, 1921, by which their receipts from this source are practically doubled, and, in arriving at the estimate for the last five months, they took the average for the first seven and applied it to the last five. I find, however, that, if we take the average March to July inclusive and apply it to the last five months of this year, their revenues will be \$200,000 more than their estimate.

I, therefore, think that, instead of showing a deficit of \$1,100,000, they will have substantial surplus after meeting all dividend requirements and, of course, fixed charges, pensions, and income tax. If I am correct in this estimate, then there should be a reduction in rates, because the public is entitled to every cent of reduction n rates which is possible under existing circumstances. A year ago, this Board gave he railway companies a percentage increase in rates on all traffic excepting a few tems hereinafter referred to such as sand, gravel, crushed stone, etc., and, as they vere given, at least by me, under the firm conviction of absolute necessity, with the ope that some time in the near future rates might be brought back to the same asis as existed in the month of August, 1920, I can never be privy to allowing these ates to remain on their present basis subject to a few special reductions which the ailway companies would like to make for any reason which to them may seem It is not my conception of the duties of the Board of Railway Comnissioners under the Railway Act. As they have already made very considerable eductions, which I have particularly referred to, I think they could stand a ten per ent reduction on the remainder of their freight traffic and still pay the dividends.

I, therefore, think an order should issue instructing all steam railway companies 1 Canada under the jurisdiction of this Board to file tariffs, effective the 21st day September instant, reducing the farcs on their sleeping, Pullman, and parlour cars 7 25 per cent—not 25 per cent from existing rates, but, going back to 1920, when tey were given an increase of 50 per cent, it should now be figured upon an increase s of that date of 25 per cent. This, I am sure, will produce more money at the id of the year to the railway companies than they could possibly earn under present tes, because, as before stated, I am satisfied those rates are so high that they are eventing much traffic which otherwise they would obtain. That all freight rates

other than those upon which decreases have already been made, and also those hereinafter especially provided for, should be decreased by ten per cent from the increases given in 1920, which would leave the increase in Western Canada at 20 per cent and in Eastern Canada at 25 per cent. In cases where the reductions already granted have not amounted to 10 per cent, they should be reduced to that point, and, of course, where they exceed 10 per cent, they will remain as at present. There will be no reductions on crushed stone, sand, and gravel, cordwood, slabs, edgings, and saw-mill refuse when used exclusively for fuel, and milk, as no increases were given on these commodities by the 1920 Order. There should be no reduction on coal because the increases on this commodity in no case exceeded 20 cents per ton and were graduated down to 15 cents and 10 cents per ton according to distance. There should be no decrease in the minimum class rate scale as established by Order in Council P.C. 1863 and now in force by an order of this Board or in the minimum charge per shipment, as these were not increased a year ago. There will be no decrease in commutation or passenger fares, because passenger fares are now back to where they were in 1920 and the commutation fares have been dealt with by a special order of this Board. The decrease hereby ordered shall only be for line hauls and shall not affect local switching rates, tolls for interswitching, or such incidental services as milling-in-transit, diversions, reconsignments, stop-overs, demurrage, weighing, and the like, as they were not dealt with by the 1920 order. In arriving at these decreases, existing spreads between the rates from the various mills in British Columbia shall be maintained, the same as provided for in the order of 1920, and, of course, the export rates will not be affected by this Order, as they were the subject of a special order of the Board. In working out the rates under this judgment, fractions will be disposed of as set out in Order in Council, P.C. 1863.

Judgment, Assistant Chief Commissioner McLean, September 13, 1921, concurred in by Commissioners Boyce and Rutherford.

In the present case, as in the Board's judgment in the Rate Application of 1920, the position of the Canadian Pacific Railway Company is taken as the test. The Chief Commissioner, in his decision in the 1920 application, expressed the opinion that the rates the judgment sanctioned would "very nearly give the Canadian Pacific Railway an even balance sheet at the end of the present year, and for the year 1921, according to my estimate, should give them a reasonable surplus. . . "The Chief Commissioner's position in the present case is expressly the same.

Under the reduction in wages which the Canadian Pacific provided for, effective July 16, 1921, it is estimated this represents from July 16 to December 31 a reduction of \$4,787,000, while for the period August to December it is \$4,300,000. The amount so involved is in either case in excess of the surplus estimated in the Chief Commissioner's judgment in the present matter.

While prevision was made by the Canadian Pacific for a reduction in wages, with a corresponding reduction in the pay-cheques, this has not up to date so gone into the funds of the company as to be available for reduction of operating costs. Whether it will remain with the company or whether it will finally be paid to the employees will be involved in proceedings before a special tribunal.

Parliament has provided by legislation for rate regulative powers to be exercised by a regulative tribunal operating under the Railway Act. It has also provided by distinct and separate legislation for investigatory powers in respect of labour disputes, and for the appointment of special tribunals in connection therewith.

On August 4, 1921, the Engineers, Firemen, Conductors, Trainmen and Telegraphers made application to the Department of Labour for the appointment, under the Industrial Disputes Investigation Act of 1907, of a Board of Conciliation and

Investigation. The Minister of Labour acceded to this application. The Board of Conciliation and Investigation is now in process of constitution.

The question of wage reduction is the pivotal one in the present consideration

of reduction ir operating costs, with its consequent bearing on rates.

What is herein involved is a rate reduction based essentially on a wage reduction.

Pending the decision of the special tribunal appointed to investigate as to the wage question involved, I do not feel that I am justified in expressing an opinion on the propriety of a rate reduction based essentially on a wage reduction whose justifiability is at present under investigation.

Judgment, Assistant Chief Commissioner McLean, November 23, 1921.

Prior to the issuance of my memorandum of September 13, 1921, I had expressed, in the Board's preliminary discussions, the opinion that if, on the facts, a rate decrease was found justifiable, it should be a percentage decrease. The increase having been a percentage one, there appeared to be merit in the contention that the

decrease should also be a percenage one.

My memorandum, above referred to, set out the opinion that the determination of the justifiability of a decrease in rates pivoted on the question of wage reductions -a matter tren under consideration before a special tribunal. I was of opinion that until the outcome of this wage investigation was made apparent I was not justified in expressing an opinion as to a rate reduction based on a wage reduction when the latter was still unsettled. That is to say, that until information was available as to the outcome of the pending hearing regarding wage reductions, I was not in a position to express an opinion as to whether there should be a rate reduction or as to what the extent of a rate reduction might properly be.

Owing to the nature and complexity of the agreement between the Canadian Pacific and its employees, arrived at on October 8, 1921, on the eve of the Board's western sittings, in which I participated, I was unable, before leaving for the West, to obtain any information to enable me to measure the amount and effect of what

was covered by the agreement in question.

Notwithstanding my endeavours, I was unable, until my return from the West, o obtain the necessary information as to the effect and extent of the wage reduction. This information having been obtained, the difficulty in the way of arriving at a onclusion was removed; and I was of opinion that a percentage decrease in rates vas justifiable.

I am, therefore, in agreement with the Board's decision as communicated in ummary form to the public and embodied in a general order making the Board's ecision operative.

udgment, Commissioners Boyce and Rutherford, November 23, 1921.

The memorandum of the Assistant Chief Commissioner, relative to the rate eductions now ordered, sets forth very clearly, save in one particular, the position of ie two other members of the Board, who did not see their way to concur in the

adgment of the Chief Commissioner, as issued on September 13, 1921.

During the conferences preceding the issue of the judgment in question, we were roughout strongly in favour of the policy of requiring from the railway companies obstantial reductions in the freight rates on basic commodities, such as grain, mber, pulpwood, coal, ores and other specified raw materials, as being of vastly eater importance than a percentage reduction on all classes of freight, the benefits rived from which will, in many cases, be absorbed before they reach the general

The principle of the policy advocated by us was illustrated by the substantial duction in the rates on live stock granted in August last, as also by the special 20c-10

treatment given to the rates on coal, milk and other articles in the judgment of the Chief Commissioner granting the rate increases in September, 1920. It is further illustrated by the substantial rate reductions on basic commodities which will shortly come into effect in the United States, as a result of the recent orders of the Interstate Commerce Commission.

As however, we were in a minority we were prepared to agree in the straight percentage reduction and would have done so, but for the reasons set forth in the Judgment of the Assistant Chief Commissioner of September 13, 1921 (in which we concurred), and in his memorandum of even date on the present situation. We are therefore, in agreement with the Board's decision, as communicated in summary form to the public and embodied in a general order, making the Board's decision operative.

APPLICATION CANADIAN FISHERIES ASSOCIATION, PRINCE RUPERT BRANCH, FOR REDUCTION IN SWITCHING CHARGES

Judgment, Assistant Chief Commissioner McLean, November 23, 1921, concurred in bu The Chief Commissioner. Deputy Chief Commissioner, and Commissioners Bouce and Rutherford.

Under date of October 6, 1920, at a sittings in Prince Rupert before the Chief Commissioner and Deputy Chief Commissioner, complaint was made regarding the increase in switching charges at Prince Rupert. It was stated that prior to July, 1920, the switching charge had been \$6 per car, and that in the tariffs operative subsequent to July the rate was \$15.

The companies not having been notified, the matter was presented, so far as the applicant was concerned, in an outline way. Comparison was made with the rates stated to be in force in Vancouver, it being contended that the rates in force for switching services at Prince Rupert were much in excess of those operative at

Vancouver.

The matter has been before the Board for consideration and has been referred to me. The matter has been developed by correspondence and investigation.

In the answer of the Canadian National Railway Company, which was not

received until January 19, 1921, the following was set out:-

"The rate of 3 cents per 100 pounds, minimum \$15 per car, is correct and is carried in Supplement No. 13 to G.T.P. Tariff No. 43-A, C.R.C. No. 346. effective May 20, 1920. Prior to that date the switching rate was 2 cents per 100 pounds, minimum \$6 per car, carried in Supplement No. 10 to G.T.P. Ry. Tariff No. 43-A, C.R.C. No. 346.

"The new rate of 3 cents, minimum \$15.00 per car, was established at the time of general revision in switching rates on Western lines and is in line with the changes assessed for similar service at other points on western railway lines. It is also felt that the new rate is reasonable, considering the nature of the service performed. I might add that the mileage rate which would originally be applied on ice in carloads for distances not exceeding 5 miles, effective as from January 1, 1921, is 5 cents per 100 pounds, subject to minimum weight of marked capacity of car, and it wil be noted that the special switching rate is a substantial reduction from the regular rate.

"With respect to switching charges stated in the complaint as being applicable at Vancouver, I have checked over the Canadian Pacific switch ing tariff at Vancouver (CP. (RC. W-2428) and cannot find any specia

switching rate on ice or fish as is quoted in the complaint."

It was represented at the hearing that telegraphic information from Vancouver was as follows:-

"Canadian Pacific advise switching charge tariff within four mile radius one cent per hundred, with varying minimum charge according to commodity, Minimum commodity charge carload, ice, \$3; canned salmon, \$5; frozen fish, \$5, which applies from one siding to another. When switching from siding on to dock, minimum charge of 2 cents per hundred or \$10."

An interim report of the Board's Chief Traffic Officer, dated January 21, 1921, set out the following:-

"The movement referred to in this complaint is local or intra-terminal switching, and not inter-switching; consequently the Board's General Interswitching Order No. 252 and its 4-mile limit have no bearing.

"Prior to November 5, 1919, the rate in question was 2 cents per 100 pounds, minimum \$6 per car, applicable to 'Carload freight handled between sidings within Yard limits.'

"On that date, at the same rate, the item was extended to cover movements between the freight sheds or wharves and the plants of the Canadian Fish and Cold Storage Co. and Prince Rupert Lumber Co.

"On the 20th May, 1920, and for the same services, the rate was increased to 3 cents per 100 pounds, minimum \$15 per car, which is the rate complained against. It is not limited to ice or fish, but applies on any carload freight.

"The same rate is charged at Prince Rupert on lumber from the Prince Rupert Spruce Mills (Seal Cove) to Prince Rupert Dry Dock and Engineering Co's. plant, also to Albert and McCaffery's lumber yard near Government Wharf.

"On the other hand, the rate is only 2 cents with a minimum of \$10 per car, on oil from the Imperial Oil Co's plant to the G.T.P. freight sheds or wharves, and on carloads of the empties in the reverse direction; also on any carload freight from the G.T.P. wharves to the Prince Rupert Dry Dock and Engineering Co's plant.

"Local switching rates depend very largely on the length of the move-The distance involved in the movement the subject of the complaint is not stated, and I am unable to express any opinion of the others without

knowing something of the character of each service.

"I am unable to verify the claim that the rates at Vancouver are much lower. A switching charge is mentioned of 2 cents per 100 pounds, minimum \$10 per car, from C.P.R. sidings to the Vancouver docks. The actual reading of the item is as follows:-

"'Steamer freight (other than frozen meats), carloads, between Vancouver docks and C.P.R. sidings, 2 cents per 100 pounds, minimum \$10 per car. Frozen meats, carloads, 3 cents per 100 pounds, minimum \$15 per car. Both rates are exclusive of wharfage handling, and loading or unloading charges.'

"The C.P.R. tariff provides no rates specially for ice, canned salmon or frozen fish.

"It was also stated by Mr. Lee that according to the wire he had received from Vancouver, the C.P.R. switching charge within a 4-mile radius was 1 cent per 100 pounds, with varying minimum charges according to commodity. There must be something wrong here: either the interswitching rate was erroneously referred to, or the application of the item I now quote has been misunderstood. It reads as follows, and the G.T.P. has a similar rule at Prince Rupert:-20c-10a

"'Where specific switching charges are not provided, a charge of 1 cent per 100 pounds, with minimum of \$5 per car, will be made for reswitching cars from one point to another within yard limits. This charge only applies on carload freight originating at, or destined to, a point outside of the station yard limits where switching is performed. It does no apply on cars loaded within yard limits destined to another point located therein, nor on cars which have been once placed and partially loaded or unloaded by different firms.'

"It will be observed that this rule applies only to cars that have been or are to be line-hauled and after having been once spotted are reswitched to another loading or unloading point; also that it is specifically stated that it does not apply to cars loaded within yard limits for movement to another point within the same limits."

The different points involved in the switching movements concerned have been checked as to distance, with the following result:—

		reer
From	Prince Rupert Spruce Mills (Seal Cove) to Prince Rupert Dry Dock and Engineering Co. plant.  Prince Rupert Spruce Mills to Albert and McCaffery's lumber yard.  Prince Rupert Spruce Mills to Government wharves or freight shed.  Government wharves or freight shed to Canadian Fish and Cold Storage Co.  Government wharves or freight shed to Imperial Oil Company.  Government wharves or freight sheds to Prince Rupert Dry Dock and Engineering Co.	6,800 9,600 12,100 11,600 4,300 6,900
	and Engineering	. 7 . 4

Owing to the reference made to the situation existing at Vancouver, this phase of the question was checked up. No intra-terminal switching charges are provided at Vancouver on ice and fish. The Board's Traffic Department advises that if such shipments were offered the only tariff that would be applied would be the standard mileage tariff which runs from 24 cents, first-class, to 7½ cents, tenth-class.

Complainant stated that the switching charges at Vancouver were generally less than those at Prince Rupert. A check of the published tariffs did not substantiate this contention. This being so, the matter of the service performed at Prince Rupert in connection with different movements, and the cost of same, was gone into. Detail was obtained by the Board's Operating Department in regard to the nature of the movement and the costs. These are set out in the following tabular statements:—

PRINCE RUPERT SPRUCE MILLS TO PRINCE RUPERT DRY DOCK AND ENGINEERING CO.-6,800 FEET

	Wages	Fuel and Supplies	Total
Empty car from freight yard to sawmill. 12,135 ft.—55 mins. Engine from sawmill to yard and back again. 24,270 ft.—40 mins. Loaded car from sawmill to yard for weighing. 12,135 ft.—40 mins. 5,625 ft.—20 mins. 5,625 ft.—10 mins	2 88 3 2 88 3 1 44 1	\$5 10 3 70 3 70 1 85 0 93	\$9 06 6 58 6 58 3 29 1 65
Engine back to yard.	\$11 88	\$15 28	\$27 16

PRINCE RUPERT SPEUCE MILLS TO ALBERT AND McCaffery'S LUMBER YARD .-- 9,600 FEET

	,		O PEET
	Wages	Fuel and Supplies	Total
Empty car from freight yard to sawmill 12.135 ft.—55 mins. Engine, sawmill to yard and back to sawmill	2 88	5 10 3 70 3 70	9 06 6 58 6 58
yard	1 08 0 36	1 39 0 46	2 47 0 82
Switching charge 3 cents per 100 lb	\$11 16	\$14 35	\$25 51

Switching charge 3 cents per 100 lbs., minimum \$15 per car.

PRINCE RUPERT SPRUCE MILLS TO GOVERNMENT WHARVES OR FREIGHT SHED.—12,100 FEET

		12,100 FEET	
	Wages	Fuel and Supplies	Total
Empty car from freight yard to sawmill . 12,135 ft.—55 mics Engine from sawmill to yard and back again . 24,270 ft.—40 mins Loaded car sawmill to yard for weighing12,135 ft.—40 mins From yard to Government wharf or freight shed.	\$3 96 2 88 2 88	\$ 5 10 3 70 3 70	\$9 06 6 58 6 58
shed	1 08 0 36	1 39 0 46	2 47 0 82
	\$11 16	\$14 35	\$25 51

Switching charge of 3 cents per 100 lbs., minimum \$15 per car.

GOVERNMENT WHARVES OR FREIGHT SHED TO IMPERIAL OIL CO.—4,300 FEET

TOTAL TO IMPERIAL OIL CO.—4,300 FEET			
	Wages	Fuel and Supplies	Total
Engine, or empty car, yard to wharves or freight shed	\$1 08 1 44 1 80 0 36 \$4 68	\$1 39 1 85 2 31 0 46 \$6 01	\$2 47 3 29 4 11 0 82

Switching charge of 2 cents per 100 lbs., minimum \$10 per car.

GOVERNMENT WHARVES OR FREIGHT SHED TO CANADIAN FISH AND COLD STORAGE CO.—11,600 FEET

Wages   Fuel and Supplies   Total				
Strange		Wages		Total
	3,250 ft.—15 mins. ngine from wharves to yard and back again. 6,500 ft.—10 mins baded car, wharves or freight shed to cold storage.	0 72 4 32 1 44	0 93 5 56 1 85	1 65 9 88 3 29

Switching charge 3 cents per 100 lbs., minimum \$15 per car.

GOVERNMENT WHARVES OR FREIGHT SHEDS TO PRINCE RUPERT DRY DCCK AND ENGINEERING CO.--

	Wages	Fuel and Supplies	Total
Empty car, yard to wharves or freight shed. 3,250 ft.—15 mins. Engine, wharves to yard and back again 6,500 ft.—10 mins. From wharves to yard for weighing 3,250 ft.—15 mins. From yard to dry dock 5,025 ft.—20 mins. Engine back to yard. 5,625 ft.—10 mins.	\$1 08 0 72 1 08 1 14 0 72 85 04	\$1 39 0 93 1 39 1 \$5 0 93	\$2 47 1 65 2 47 3 29 1 65

Switching charge 2 cents per 100 lbs., minimum \$10 per car.

The wages and charges for fuel and lubricants have been checked up and foun! to be correct. They are as follows:—

Wages—Eight Hours— Dispatching and repairs. Engineer. Fireman. Yard foreman. Switchmen (2). Yard clerk or weighmaster at \$130 per month—\$4.33. Yardmaster at \$235 per month—\$7.83.	\$ 2 00 7 04 5 60 6 96 12 96
Fuel Oil, etc.—Eight Hours— Fuel oil	\$34 56 \$42 25 2 221 

"You will note I have shown the rate of salary for the party who acts as yard clerk or weighmaster, also rate of the yardmaster, but I have not included these in the total expense for the day, as it is an open question just how much of their salary should be chargeable to revenue switching in question."

The Board's Operating Department has satisfied itself that the staff included in the movements in question is a necessary one for the operation of the yard.

Further information was obtained in regard to the average number of cars handled per trip. This is as follows:—

Prince Rupert Spruce Mills to Prince Rupert Dry Dock and Engineering Company.  Prince Rupert Spruce Mills to Albert and McCaffery's lumber yard.  Prince Rupert Spruce Mills to Government wharves or freight shed.  Government wharves or freight shed to Imperial Oil Company.  Government wharves or freight shed to Canadian Fish and Cold Storage Company.  Government wharves or freight shed to Prince Rupert Dry Dock and	(1) (1) (1) (1) (3)
Government wharves or freight shed to Prince Rupert Bly Bost shall Engineering Company	(3)

The Board's Chief Operating Officer has satisfied himself as to the accuracy of the time taken and the costs attaching thereto. It is to be noted that on four of the movements, the average number of cars handled per trip is one in each case. On the movement from Prince Rupert Spruce Mills to Prince Rupert Dry Dock and Engineering Company, where there is an average one-car movement, with a minimum of \$15 per car, the total cost shown is \$27.16. From the Prince Rupert Spruce Mills to Albert & McCaffrey's lumber yard, there is an average one-car movement, with minimum of \$15 per car, and the total cost shown is \$25.51. From the Prince Rupert Spruce Mills to the Government wharves or freight shed, there is an average one-car movement, with a minimum of \$15 per car, and costs shown at \$25.51. From the Government wharves or freight shed to the Imperial Oil Company, there is an average one-car movement, with a minimum of \$10 per car, and costs of \$10.69. In

two other cases, the average number of cars handled per trip is higher. From the Government wharves or freight shed to the Canadian Fish and Cold Storage Company, where an average of three cars are handled, there is a minimum of \$15 per car and costs are \$17.29. In the case of the Government wharves or freight shed to Prince Rupert Dry Dock and Engineering Company, where on the average three cars are handled, the minimum is \$10 per car, and the cost is \$11.53.

The burden of the local switching rates in question must be looked at from an average standpoint. Taking the four cases above referred to, where on the average one car is moved by one set of switching movements, the minimum charge for the four cars is \$55, while cost figures as given amount to \$88.87. On the two movements, on each of which three cars are handled, the minimum charges are \$75, while the cost figures amount to \$28.82. That is to say, on the six movements in question, with minimum earnings at \$130, there are costs of \$117.69; that is to say, the actual out-of-pocket costs on the movements in question represent 90 per cent of the minimum earnings. This is exclusive of any contribution whatever to overhead costs.

On the material before the Board, it does not appear that from a cost standpoint the Board would be justified in giving direction for a reduction in the charges in question.

DOMINION MILLERS' ASSOCIATION, WESTERN CANADA FLOUR MILLS, MONTREAL AND WINNIPEG BOARDS OF TRADE ET AL

Re

# STOP-OFF CHARGES ON GRAIN

Judgment, Chief Commissioner Carrell, December 17, 1921, concurred in by the Deputy Chief Commissioner and Commissioner Rutherford.

As these three cases all have been heard by the Board at various times and are standing for judgment and are so closely interrelated, I propose to treat them in one judgment.

An examination of the history of the milling in transit privilege would rather show that it was inaugurated primarily for the purpose of encouraging the milling of grain in Western Canada, the object being the establishment of industries and the production of by-products in the West which are so necessary for the raising of livestock; and for many years the rate charged by the Canadian Pacific Railway Company for the milling-in-transit privilege was 1 cent per 100 pounds west of Fort William and 2 cents per 100 pounds east thereof on grain for domestic consumption.

In the month of February, 1917, application was made by the Dominion Millers' Association and others asking that the rate in Eastern Canada on grain milled for lomestic use be reduced to 1 cent per 100 pounds, the same as that charged in Western Janada, my understanding being that the rate for export was 1 cent per 100 pounds, oth in the east and in the west. After very lengthy hearings and argument, the Board delivered judgment on the 3rd day of October, 1917, directing the Canadian Pacific Railway Company to reduce the rate in the East to 1 cent per 100 pounds, as here was discrimination under the then existing conditions, holding that, as the rand Trunk had no railway in the west (the Grand Trunk Pacific being in law a eparate entity), the charge of 2 cents by that company was not discriminatory and o order was made with respect to that railway.

On the 10th day of June, 1918, the Dominion Millers' Association applied to this card for an order directing the Grand Trunk Railway Company to discontinue the top-over charge of 2 cents per 100 pounds on grain products for milling in transit for

omestic use.

In the month of September, 1918, the Canadian Pacific, Grand Trunk, Canadian orthern, and Grand Trunk Pacific Railway Companies filed tariffs becoming effective November 1, 1918, increasing the stop-off charge from 1 to 2 cents per 100 pounds. Protests were immediately made by the Quaker Oats Company, the Dominion Millers' Association, and the Shippers, Bureau of the Winnipeg Board of Trade against this application, asking that it be suspended pending a hearing, which was done by Order of the Board No. 27781, dated October 28, 1918. The matter came on for hearing first in Toronto in the month of October, 1918, and later on at Ottawa and practically all important points west as far as Vancouver, the principal stand against any increase in rate being made at Winnipeg in the month of March, 1919.

While this case was pending, on the 20th day of September, 1919, Mr. C. B. Watts. on behalf of the Dominion Millers' Association, applied to this Board asking that the railway companies be ordered to grant the same milling-in-transit privilege to grain grown in Ontario and Quebec as that granted to Western grain, and the three cases

have been heard practicaly concurrently down to the present time.

I entirely concur in the principles enunciated by this Board in its judgment of October 3, 1917, hereinbefore referred to, viz., that, as the Grand Trunk Railway Company did not operate in Western Canada, the charge of 2 cents made by it in the east was not discriminatory, and I also agree with the Board that, because one railway may charge a different rate from a competitor, it is no evidence of discrimination.

As before stated, the milling-in-transit privilege was inaugurated for the purpose of encouraging the milling industry in Western Canada, and, without a doubt, it has served its purpose, because large mills are now in operation in most cities from Kenora to Calgary, a great business is being carried on, and the by-products in the shape of shorts and bran are available for the feed of stock, which is becoming more and more important to Western Canada. As the principal mills are on the line of the Canadian Pacific Railway Company and the rate, by the judgment above referred to, was made the same both east and west, so long as the rate is the same, no matter what it may be, no injury can befall the western mills which would not be equally applicable to the east and no lesser amount of by products would be available in Western than in Eastern Canada.

Mr. Watts in his application for the milling-in-transit privilege being granted to Ontario and Quebec grain stated that the Grand Trunk Railway Company grants to mills in Michigan the right to mill grain produced in Michigan and other parts of the United States at a rate of one-half cent per 100 pounds and, as far as I can read the case, this statement has not been contradicted. It was alleged by the Dominion Millers' Association, and the tariff citations given in proof support the allegation that all grain coming from Detroit ex rail and ex lake is granted the milling-intransit privilege in Ontario by both the Canadian Pacific and Grand Trunk Railway Companies, and this applies to American grown as well as Canadian-grown grain, the stop-over charge on grain from Detroit to Montreal being 1½ cents per 100 pounds, while the stop-off on grain from Goderich and Port McNicoll is 1 cent.

I am at a loss to understand why the milling-in-transit privilege should be granted to Western Canadian grain and American grain for grinding at the mills in Ontario and Quebec while the same right is denied to the grain of these two provinces, and, in my opinion, the same treatment that is handed out to grain produced in one part of Canada, not to say anything about United States grain, must be granted to grain produced in all other parts of Canada, and, therefore, I find that all grain produced in Canada should be allowed the same stop-over privileges for milling purposes, no matter in what part of Canada the milling operation takes place. This, of course, has nothing whatever to do with the out-of-line haul. In such cases, reasonable rates off the through line should be granted the transportation companies.

As I view the question, the stop-over privilege for milling, elevator, cleansing, or hospital purposes is a service incidental to transportation, customary and usual in connection with the business of the railway companies in Canada, and has nothing whatever to do with the ordinary transportation charges, and it should make no

difference whether the main line haul were 100, or 1,000, or 3,000 miles. This service should be paid for entirely independent of the line haul, and, therefore, the charge for this service, unless conditions are very dissimilar, should be the same on every railway in Canada. For this reason, I thing that the charge for miling-in-transmit or other such services on the Grand Trunk Railway should be the same as that made by the Canadian Pacific, Canadian Northern, and Grand Trunk Pacific Railway Companies, or any other railroad in Canada under the jurisdiction of this Board.

This naturally brings us to the question of what is a reasonable rate for the services to be performed by the railway company, always considering that the railway company receives the legal rate for transporting the grain from the starting point to destination, and that the stop-over privilege simply means that, if the same amount in weight is returned to the company for transportation to destination within six months, the completion of the contract of carriage will be made by the railway com-

pany at the legal through rate, whatever it may happen to be.

It would probably be impossible to find exactly the same set of circumstances at any two given points or perhaps to put it more mildly, the cost of this service at many points in Canada would be greater or less than at many other points, and all the Board can do is to arrive at a fair average value for the services performed.

This case was exhaustively heard at Winnipeg in the month of March, 1919, and argued and some additional evidence given before this Board at Ottawa in May, 1920. At the sittings in Winnipeg, evidence was furnished by both the Canadian National and the Canadian Pacific Railways as to the cost of a switching movement such as would be required with the stop-over privilege in the Winnipeg yard, and, from this evidence, it seemed pretty hard to arrive at any exact data as to how much shunting is ordinarily required for stopping off a car of grain for grinding purposes and forwarding the product thereof at a later date.

According to the evidence, in some cases, the railway company was called upon to perform two movements; i.e., the spotting of a car of grain on one side of the mill and lifting it from the other side, the car having been switched around by the milling company itself. No doubt, in many cases, a car would be placed on one side of the mill and another one lifted from the other side, involving practically one movement, and, in many other cases, the loaded car would be spotted and the empty removed after it had been unloaded and, when the flour was ready for shipment, an empty car would be spotted and the full car lifted, thus making four movements. It seemed to me to be almost impossible to arrive at any absolute conclusion as to what would be the actual cost of these switching movements.

As I read the evidence, it has never been the contention of the railway companies that the switching movement was intended to produce profit. In fact, as far back as 1916, Mr. Beatty contended that the 1 cent rate did not pay the actual cost of operation to the company but that the rate was granted to the West for the pur-

pose of encouraging the milling industry.

Then, again, the figures furnished by the two railway companies two years ago, while fairly indicative of the cost to-day, would probably not be as accurate a year from to-day, because operating costs of all railways have to some extent been reduced during the past six months and there is no reason to believe there will not be further

reductions within the next six months or a year.

I have, therefore, come to the conclusion that, as the Canadian Pacific Railway Company has always granted the stop-over privilege and performed the necessary switching for 1 cent per 100 pounds, there is no reason why a change should be made under present conditions, and, as I have already found that the rate should be the same all over Canada, this would involve a reduction of the Grand Trunk rates from 2 cents to 1 cent per 100 pounds.

I, therefore, think an order should issue that all railway companies in Canada under the jurisdiction of the Board should be allowed to charge 1 cent per 100 pounds, for the stop-over privilege for milling purposes, no matter in what part

of Canada the operation may be carried on, and the privilege should be granted to all grains produced in Canada when milled at any point in Canada, at the same rate per 100 pounds, and the several railway companies under the jurisdiction of this Board should be directed to file tariffs accordingly.

Judgment, Assistant Chief Commissioner McLean, December 30, 1921.

I agree that the proposal to increase the milling-in-transit rate from 1 cent to

2 cents should be dismissed.

In regard to the application to have the Grand Trunk discontinue the stop-over charge of 2 cents per 100 pounds on grain products shipped milling-in-transit for domestic consumption, my position is already expressed in *Dominion Millers' Asso-*

ciation vs. Canadian Freight Association, 22 Can. Ry. Cas., 125, at p. 134.

The further application involved is one asking that the Board direct the rail-ways to grant the right to Ontario and Quebec mills to mill in transit grain grown in Ontario and Quebec. Ontario grain for milling and reshipment is subject to two separate contracts; one for the carriage of grain on a special basis of local rates to the mill; the other for the carriage of the product from the mill under the ordinary tariff.

In the presentation of this application, it was admitted by the applicant that there was no effective competition between the flour milled from Ontario wheat and the flour milled from Northwest wheat. Montreal was referred to by the applicant as being the main market for Ontario wheat, and it was admitted that there was no effective competition there: and that the use of the two types of flour were

different and not competitive.

The application as launched, turning, as I understand it, on unjust discrimination, I am not satisfied that a prima facie case of discrimination was established.

Reference was made in correspondence from the applicant, subsequent to the hearing, to milling-in-transit at Canadian points on American grain while milling-

in-transit was not granted to Ontario wheat.

There is in force a Canadian Pacific tariff on grain from Detroit, ex-lake and ex-rail, with milling-in-transit arrangements and charges in Canada, and shipped to Canadian destinations. The basic charge is 1½ cent. The tariff does not limit this

to American grain.

Whether or not the existence of this arrangement applicable to grain from Detroit, ex-lake and ex-rail, while there is not a milling-in-transit arrangement on Ontario grain, is unjustly discriminatory or unduly preferential is a matter into which, in my opinion, it is not necessary to go in advance of a prima facie case of discrimination being made out.

COMPLAINT RURAL MUNICIPALITY OF NELSON, B.C., AGAINST INCREASE IN TOLLS OF BRITISH
COLUMBIA TELEPHONE COMPANY

Judgment, Assistant Chief Commissioner McLean, December 23, 1921, concurred in by Commissioner Rutherford.

Complaint was made at the sittings in Nelson, B.C., regarding the party line rates of the British Columbia Telephone Company on the west side of Kootenay lake. In the quotation of rates by the British Columbia Telephone Company in their bills, the exchange rates are quoted as gross rates, which are subject to a discount of

\$1 if paid by the eighteenth of the specified month.

Applicant, in presenting his case, made the following statement:—

"Mr. Bourke: The increase to which the telephone subscribers object to is referred to in a letter received from the manager of the Telephone Company, dated August 25, 1921:—

'Dear Sir.—In respect to communication from Superintendent Hoover, to the effect that rates on all telephones across the lake are to be adjusted to conform to standard rates throughout the province; the rate is \$3.50 gross for residence service, if the station is situated within one mile of the cable on the west side of the lake, with a mileage rate of 25 cents for each one-half mile over that distance. In this case your rate will be changed from \$4 gross to \$8 gross, commencing September 1, 1921'.

"For a number of years, the subscribers on the west arm of Kootenay lake have been charged a flat rate of \$4 a month. That \$4 a month is made up of \$2.50, 50 cents for mileage over five miles, authorized by the Board, plus \$1.50 for that class of service within the city limits of Nelson.

"I contend that by charging the mileage beyond five miles, it is making a charge that is not authorized by the Board. That is increasing our rates. We are six subscribers on one party line. I should also state that it has not been proven that the rural subscribers are situated beyond the stated radius. I can produce the evidence if required".

It is contended, in substance, that beyond a five-mile radius from a point where the cable pole on the west shore is situated there is a flat rate provded for. It is set out that the basis of this is to be found in an agreement which was operative in practice.

Turning to the tariffs of the company dealing with the service adjacent to Nelson, the first tariff of the British Columbia Telephone Company covering this matter as filed with the Board is, C.R.C. No. 2, effective January 1, 1920. This quoted, in respect of certain specified points (Nelson being included), a residence rate of \$1.50 per month for party line beyond one mile and within a three mile radius of the central office. It was further provided that a charge of 25 cents a subscriber was to be charged on individual and two-party lines for each one-quarter mile or fraction thereof beyond the stated radius, and 25 cents for each one-half mile or fraction thereof beyond the stated radius on other party lines. Included in the service herein involved and including the submarine cable mileage is a distance of four miles from the Nelson Exchange to the cable pole. The tariff in question, in dealing with mileage charges in submarine cables, reads—

"When figuring mileage charges in submarine cables, each 175 feet or fraction thereof shall be considered as equivalent to one-quarter of a mile of overhead wire on individual lines, and 275 feet or fraction thereof as equivalent to one-quarter mile of overhead wire on party lines".

In the application launched by the British Columbia Telephone Company for increase in exchange rentals and charges for service, the following, which is of general applicability, is set out in respect to mileage charges:—

"No mileage is chargeable within the limits of any city. Subscribers situated outside city limits to be charged mileage beyond the stated radius allocated to the class of service desired, at the rate of 25 cents per month per subscriber on individual and two-party lines for each quarter mile or fraction thereof beyond the stated radius, and 25 cents for each half mile or fraction thereof beyond the stated radius on other party lines up to five miles; over this, special arrangement.

"Mileage charges for private Branch Exchange trunks are the same as those for individual business lines.

"When figuring mileage charges in submarine cables, each 175 feet or fraction thereof shall be considered as equivalent to one-quarter of a mile overhead wire on individual lines, and 275 feet or fraction thereof as equivalent to one-quarter of a mile of overhead wire on party lines".

The company's tariff C.R.C. No. 5, effective September 1, 1921, which was filed after the judgment in the above application, sets out provisions as to Mileage

Charges which are identical with those above quoted.

At the hearing, reference was made to an agreement which it was stated had been entered into quite a long time ago-the date was not definitely given. Mr. Campbell. who gave evidence stated he was one of the original owners of a privately owned telephone line which certain individuals interested had intended to construct. It was represented that after negotiations had taken place, Mr. Campbell and those associated with him abandoned construction of the privately-owned line, and he said his recollection was that the British Columbia Telephone Company was to charge a flat rate per member, and that those subscribers who were at some distance were to come under the arrangement in order to make such an arrangement possible.

Mr. Starkey, for the Associated Boards of Trade, stated at the hearing that he knew about the original agreement, and thought it had been agreed that if the parties interested could get thirty subscribers the company would charge a \$4 rate and construct a new line. He stated further, that some thirty signatures had been obtained: but the company was so long about installing the service that some of those who had signed dropped out. He stated that the required number of subscribers had signed

the agreement, and it was duly witnessed.

The Telephone Company, in a communication on file from Mr. E. F. Helliwell.

General Commercial Superintendent, makes the following statement:-

"I have discussed this matter with Mr. Halse, who recollects the circumstances very clearly. At the time Mr. Campbell, together with Mr. Rusk and some others, abandoned their old line, which was worn out at the time, there were negotiations between them and this company, when it was suggested that if a certain number, about forty subscribers, which it was stated could be had, were secured on the west side, a flat rate would be given them. These conditions were not, however, fulfilled by the residents on the west shore, because nothing like this number of subscribers could be signed up, and at a later date we ran our Lines, without any agreement or arrangement and supplied service to some ten or twelve parties who did desire the same".

A search of the records of the Nelson Board of Trade has been made by its secretary; but in a letter addressed to Mr. Starkey, which has been forwarded by the latter to this Board, he states that he has examined the minute books as far back as 1907 and that he has not been able to locate correspondence between the company and the Neison Board of Trade in the matter, nor has he been able to locate the written agreement. He quotes from the minutes of a meeting of the Nelson Board of Trade held November 14, 1907, which sets out the following:-

"Mr. Busk, as chairman of the Telephone Committee, reported the result of a consultation with the Secretary of the B.C. Telephone Co., Mr. Halse; the

secretary made two proposals:-

"(1) that he would recommend the construction of a metallic circuit line to Proctor on a guarantee of 35 subscribers at \$4 a month each, six months to be subscribed in advance; (2) that an independent company be formed to build and keep the line in repair, the B. C. Company engaging to operate it and rent instruments at 50 cents per month."

The secretary states that the rate of \$4, which it is claimed was agreed upon, had

remained in force for many years.

While the letter of August 25, 1921, quoted in Mr. Bourke's evidence refers to a \$1 gross rate being changed to an \*s gross rate, there is before the Board a copy of Mr. Bourke's bill as rendered September 1, 1921. On this is entered the item " Exchange service for current month, \$5." This is corrected to \$\s and a total shown,

including \$1.20 for long distance, of \$9.20. It is indicated on the bill that if paid by the 18th of September, there will be a reduction of \$1. This would show, then, a net rate of \$4 for exchange service as billed of September 1, 1921.

The substance of what is submitted has been set out. As to the matter of the contractual basis of a rate, the obligation is to maintain a reasonable rate, and the Board is not precluded by the terms of any agreement, if proven, whether formal or informal, from seeing to this.

Lake Superior Paper Co. rs. Algoma Central and Hudson Bay Ry. Co., 22 C.R.C., 361, at p. 367.

See also Crows Nest Pass Coal Co., vs. C.P.R. Co., 8 C.R.C., 33, at pp. 40, 41.

The question is, what is contained in the tariffs. There is no conclusive evidence as to the existence of an agreement; and, further, even if there had been an agreed-on rate, this is not shown in tariff C.R.C. No. 2, nor is it shown in tariff C.R.C. No. 5. Under the Railway Act, to which the British Columbia Telephone Company, in common with other telephone companies chartered by the Dominion, is subject, the rates charged for service have to be quoted in tariffs.

Under section 375, subsection 3, a telephone company is required to file with the Board tariffs of telephone tolls to be charged; and it is provided by subsection 4, that such telephone tolls may be dealt with by the Board in the same manner as is provided in the Railway Act with respect to standard freight tariffs, and that all the provisions of the Act, except as to publication under section 342 applicable to companies there; under with respect to standard freight tariffs and tolls, shall in so far as they are applicable and not inconsistent with the provisions of section 375, apply to the company in respect of telephone tariffs and tolls.

Under section 330, subsection 3, dealing with standard tariffs, which section is applicable, as pointed out, to telephone tariffs, it is provided that the tolls, as specified in the standard freight tariff or tariffs, as the case may be, shall, except in the case of special freight and competitive tariffs, be the only tolls which the company is authorized to charge for the carriage of goods. Subsection 4 of the same section provided that until the provisions of the section have been complied with, no toll shall be charged by the company. See in this connection, Baker, Reynolds Co., vs. C.P.R., 10 C.R.C., 151, at p. 153.

Under section 343, which is applicable to telephone companies, it is provided that the company file with the Board a tariff, and such tariffs coming into force the tolls set out therein are presumed to be legal against the company.

The general scheme of the Railway Act is that the rates are to be set out in tariffs, and that the rates are not a matter of bargaining to be dealt with in individual contracts. The rate, or its components, has to be so set out in the tariff that the individual desiring service may know exactly what may be legally charged to him.

The Board has no record as to the contents of the tariff of the Telephone Company prior to its coming under the jurisdiction of the Board. As already pointed out, the first tariff filed by the company does not contain a provision as to the flat rate for the service in question. It sets out provisions as to extra mileage being computed where there is a cable mileage, and also provides for an excess mileage charge of 25 cents per half mile.

Cable mileage is to be computed from the area subject to the base rate, and no limitation in set out in the tariff as to the area within which the rate so built up on the base rate and excess mileage charge is to be applicable.

The tariff filed effective September 1, 1921, repeats the provisions as to cable mileage and as to the rates on excess mileage, but has a provision that the excess nileage charge is to apply for each one-half mile or fraction thereof beyond the stated adius on other party lines up to five miles, and that over this there will be special irrangements as to rates. It will be noted that there is a difference here from what s set out in the first tariff filed.

In Canadian Condensing Co. vs. C.P.R. Co., 12 Can. Ry. Cas., 1 it was pointed out at p. 3 that the law permits no departure from the published tariff. It is established that in construing a tariff the intention is to be derived from the exact words used, and not from an intention which it is alleged the tariff had in mind although the words used do not clearly convey this.

A tariff is to be strictly construed against the company. It follows that the Board in thus construing a tariff to ascertain what rate applies under the tariff to a particular service must look to what is contained in the tariff, and not to any alleged

intention which the words of the tariff might not justify.

The essence of the complaint is that a flat rate of \$4 net was provided in respect of certain party line services on the west shore of Kootenay lake. This may have been the practice, and record in this regard would appear to indicate that in some instances at least only the \$1 net rate had been quoted. This rate is not the rate set out in any tariff before the Board. What the Board is here concerned with is not the reasonableness of the rate, but the question as to what the tariff provides.

As already pointed out, tariff C.R.C. No. 5 provides that in the case of mileage charges over 5 miles the rates are to be based on special arrangements. As I read the Railway Act, this does not comply with the provisions of that Act in respect to tariffs. Special arrangements might seem to suggest special contract; but apparently that was not what was involved in the complaint, for the complaint of Mr. Bourke shows that the increased rate was imposed upon him without any special contract being entered into.

The rates charged as and from September 1, 1921, cover a distance of 13 miles from the cable pole on the west shore. The initial rate at the cable pole is \$2; and from there on there is added a rate of 25 cents per half mile for mileage, giving a total net rate of 13 miles of \$8.50. These are not rates for residence service. The rate of \$4 net is to be found at a distance of 4 miles from the cable pole. The net rate up to 5 miles is \$4.50.

The company provided in special tariff that the rates beyond the 5-mile distance were to be determined by special arrangement. What this special arrangement is is not set out in the tariff, but it appears, in fact, that they have charged the same

rate per half-mile above the 5-mile distance as below it.

In view of what has been set out, I can find no tariff sanction in C.R.C. No. 5

for the rates beyond the 5-mile distance as above set out.

The Board has in C.R.C No. 2 accepted a tariff including, inter alia, a provision for excess mileage charges. This tariff is legally operative. If the principle of excess mileage is adopted, it follows that the charges in this respect must vary with the distance.

Since the hearing at Nelson, the company has made further investigation of the situation, and a revised scheme of rates, effective January 1, 1922, covering special arrangement of exchange rentals and mileages for the west side of Kootenay lake connecting with Nelson Exchange has been submitted. This covers rates for the distance of 13 miles from the cable pole. It is represented that the matter has been gone into fully with the mayor of Nelson. What is proposed under this scheme is that the rate at the cable pole remaining at \$2, the following rearrangements shall be made: There is to be a charge of 25 cents for each half mile up to the 2 miles from the cable pole, and beyond 2 miles and up to 13 miles a charge of 25 cents per mile. This leaves the net rates up to 2 miles from the cable pole, or 6 miles from Nelson, at \$3. The following variations then take place: The 3rd mile, \$3.25 instead of \$3.50; the fourth mile, \$3.50 instead of \$4; the fifth mile, \$3.75 instead of \$4.50; the sixth mile, \$4 instead of \$5, and grading from this to \$5.75 at the 13th mile instead of \$8.50 on the scale already referred to. The rates are net rates for residence service. The grading as to mileage is a concession from the general principle laid down in C.R.C. No. 2 and is in ease of the situation. It appears to be acceptable.

Re recovery of triple damages from canadian pacific raulway for excess charges on certain live stock shipments to united states points

Judgment, Assistant Chief Commissioner McLean, December 24, 1921, concurred in by Commissioner Rutherford.

Two applications are involved. The application of the Frank Hill Cattle Company, Limited, of Calgary, sets out that in respect of various shipments of live stock made during the period from September to December, 1920, from Calgary to the cities of Chicago and St. Paul, the total charges as collected for freight, feed and services amounted to \$6,079.60; and it is claimed that the overcharges thereon amounted to \$804.10, which represents an overcharge, as claimed, of approximately 13 per cent.

In the case of J. M. Dillon, of Cayley, Alta., the shipments of live stock involved were made during the month of November, 1920, from Cayley, Alta., to Chicago. It is set out that the amount collected for freight, feed and services thereon amounted to \$5,359.24; and that the overcharge on same amounted to \$663.30, which represents

approximately an overcharge, as claimed, of 12.3 per cent.

The applications as launched deal with matters arising out of the adverse exchange situation. The practice of goods going forward collect, with charges payable at destination in American funds, is not contested; but it is alleged that the Canadian carrier participating in the international haul received his share of the amount so collected in American funds, and that to the extent he was paid in American funds the excess over what his division of the rate in Canadian currency would represent means an excess payment to which he is not entitled.

The transactions herein involved took place before the issuance of the Board's

General Order No. 326.

The submission of applicants was that the contracts under which the shipments were made were Canadian contracts entered into between the Canadian shipper and the Canadian railway under tariffs fixed by the Canadian Board of Railway Commissioners, and that the rate was payable in Canadian currency whereas the charges were actually collected in American currency. In other words, an overcharge was made. In the submission, the tariff was spoken of as having been fixed by the Board of Railway Commissioners. In another connection, applicants' solicitor spoke of the tariff having been approved by the Board, and referred in this connection to section 330. Section 330 deals with standard tariffs which are required to be formally approved by the Board, and not with joint tariffs from a point in Canada to a foreign country, as dealt with in section 338. Here, the several companies are required to file with the Board a joint tariff for such continuous route.

Section 389, under which the applications are launched, deals with certain consequences of infractions of the provisions of the Railway Act, or of orders of the Board dealing with tolls. It is not alleged that there is an infraction of any order, direction, decision or regulation of the Board in respect of tolls. The complaint, therefore, to fall within the section must be concerned with an infraction by the company, or any officer, servant or agent of the company, of any provision of the Railway Act in respect of tolls. The section goes on to recite that where there is such infraction of any provision of the Railway Act the company shall be liabel at the suit of any person injured by reason of any such infraction to three times the amount of the actual damage that such person may prove to have so sustained. It is further provided that action is not to be commenced for any such triple damages before the leave of the Board has first been obtained. What is pertinent, then, is what section of the Act has been infringed?

What is involved, as I understand the situation, is an abnormal condition arising out of depreciation in Canadian currency. The Board is given very wide powers in regard to matters of railway regulation. At the same time, it must always be borne

in mind that its powers being statutory it must find the scope of these powers being within the four corners of the Railway Act. The Board is a statutory tribunal and its powers are tied down to the scope of matters falling within the Railway Act. It is not the function of the Board to supplant or supplement the provincial courts in the exercise of their ordinary jurisdiction. The matter was most pertinently set out by the late Chief Commissioner Killam in Duthie vs. (t.T.R. Co., 4 Can. Ry. Cas., 304, at p. 311, when he said:—

"Occasionally one hears or reads references which suggest that misconceptions prevail in this connection. Applications or complaints are made to us which are apparently based upon a hazy notion that the Board was created for the purpose of adjudicating upon any claim against or dispute with a railway company. For two reasons we are not to begin with the assumption that such was the purpose for which the Board was established: (1) The Board is purely a creature of statute. The general principle applicable to such a body is that its jurisdiction is only such as the statute gives by its express terms or by necessary implication therefrom. (2) Our constitution assigns to the Provincial Legislatures the subjects of "property and civil rights in the province" and "the administration of justice in the province, including the constitution, maintenance and organization of provincial courts, both of civil and criminal jurisdiction, and including the procedure in civil matters in those courts." (See B.N.A. Act 1867, sec. 92, subsecs. 13, 14.). Corporations created by the Parliament of Canada are ordinarily subject to the Provincial laws relating to property and civil rights, and prima facie, civil claims against them should be prosecuted in the provincial courts. The Parliament of Canada is empowered to provide "for the establishment of any additional courts for the better administration of the laws of Canada" (See B.N.A. Act, 1867, sec. 101), and in the exercise of its powers to legislate on certain subjects, Parliament may incidentally encroach upon the field of Provincial legislation. Such encroachments, however, are not to be presumed, but must be clearly indicated and be limited to the extent reasonably necessary for giving effect to the enactments of Parliament upon subjects within its powers."

It seems to me that the comment of Bramwell, L.J., in passing upon the scope of the functions of the English Railway and Canal Commission, is also pertinent: ".....I must say that I think one ought not to suppose that the legislature intended to give to the commissioners a jurisdiction in matters which could be quite as well exercised by the ordinary courts of justice." Great Western Ry. Co. vs. the Railway Commissioners and James Brown, 7, Q.B.D., 182-193.

The applicants' solicitor, although questioned at the hearing, did not refer the Board to any specific provision of the Railway Act which it was alleged covered the matter in question and which, it was alleged, was infringed. I have given the matter careful consideration and I have been unable to find any section which by necessary inference' gives the Board power to deal with the phases of constructual obligation involved, which are alleged to turn upon the question that the Canadian currency is at present depreciated as compared with the currency of the United States. In other words, I cannot see that the subject matter of the complaint has been brought within the scope of section 389, or that it falls either by explicit statement or necessary inference within the broad powers conferred upon the Board. As I read the Railway Act, it is, therefore, open to the applicant, without the intervention of the Board, to pursue his rights, if any, in a court of competent jurisdiction.

# APPENDIX "B"

REPORT OF THE ASSISTANT CHIEF TRAFFIC OFFICER OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1921

Sir,—I have the honour to submit, for the seventeenth annual report of the Board, a memorandum of the freight, passenger, express, telephone, telegraph, and sleeping and parlour car schedules filed with the Board from November 1, 1904, when, by order of the Board, under the authority of section 311 of the Railway Act, 1903, the railway companies commenced filing their tariffs, to December 31, 1920; and from January 1, 1921, to December 31, 1921, inclusive; also, of the more important orders relating to traffic issued by the Board to December 31, 1921:—

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING DECEMBER 31, 1920

DECEMBER	01, 1920		
Freight—			
Local tariffs	# 4 F00		
buppiements	14,592	44.004	
ount tarins	30,209 32,029	44,801	
Supplements.	93,216	707045	
	119,813	125,245	
Supplements	372,283	492,096	000 140
	0 1 2 , 2 0 0	432,036	662,142
Passenger—			
Local tariffs	1 7 000		
Supplements.	15,330	0 2 000	
Joint taring.	19,709	35,039	
Supplements.	13,114 $21.524$	94.000	
International tariffs	25,878	34,638	
Supplements	51,832	77 710	
	01,002	77,710	147,387
Express—			
Local tariffs			
Local tariffsSupplements	5,915		
Joint tariffs	56,014	61,929	
Supplements	6,223		
International tariffs	20,625	26,848	
Supplements	4,211	0.700	
	2,549	6,760	95,537
Telephone—			
_			
Local tariffs	2,403		
Supplements	1,802	4,205	
Joint tariffs. Supplements.	3,330		
International tariffs	20,207	23,537	
Supplements	429		
	9,715	10,144	37,886
Telegraph—			
m 100			
Tariffs	169		
Supplements	183	352	352
Sleeping and Parlour Car—			
Local tariffs	150		
Supplements	184	334	
Joint tariffs	109	001	
Supplements.	194	303	
International tariffs	200		
Supplements	606	806	1,443
		-	
Combined totals, all schedules			944,747
		Towns.	

# SCHEDULES RECEIVED FROM JANUARY 1, 1921, TO AND INCLUDING DECEMBER 31, 1921

Freight—			
Local tariffs	2,110		
Supplements	3,598	5,708	
Joint tariffs	4,351	4 = 000	
Supplements	13,272	17,623	
International tariffs	9,970	32,948	56,279
Supplements	22,978	34,340	00,210
Passenger—			
Local tariffs	1,813		
Supplements	2,249	4,062	
Joint tariffs.	2,302		
Supplements	3,463	5,765	
International tariffs	3,305	40.000	10.222
Supplements	6,697	10,002	19,829
Express—			
-	108		
Local tariffs	1.219	1,327	
Joint tariffs	52		
Supplements	2,391	2,443	
International tariffs	1,765		0.04
Supplements	4,412	6,177	9,917
Telephone—			
Local tariffs	125		
Supplements	190	315	
Joint tariffs	166		
Supplements	5,995	6,161	
International tariffs	0		
Supplements	4	4	6,480
Telegraph—			
Tariffs	4		
Supplements	17	21	21
Sleeping and Parlour Car-			
	37		
Local tariffs	59	96	
Supplements	61		
Supplements	98	159	
International tariffs	56		
Supplements	153	209	464
			93,020
Combined total, all schedules			1.037,767
Grand total		,	2,001,101

Summary of Traffic Orders of General Interest Issued During the Year Ended December 31, 1921

No. 30496, January 3, 1921.—Approves reduced Standard Mileage Freight Tariffs C.R.C. No. 130, of the Edmonton, Dunvegan and British Columbia Railway, and C.R.C. No. 57 of the Central Canada Railway.

No. 30505, January 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Sutton and North Gwillimbury Telephone Company, operating in the County of York, Ont.

No. 30506, January 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Riordan Company, Limited, operating in the County of Terrebonne, Que.

No. 30507, January 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ashgrove Rural Telephone Company, operating in the County of Halton, Ont.

No. 30508, January 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the King Telephone Company, operating in the County of York, Ont.

No. 30509, January 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Champlain Point Telephone Company, operating in the County of Ontario, Ont.

No. 30510, January 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Douro, operating in the County of Peterborough, Ont.

No. 30511, January 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Riordan Company, Limited, operating in the County of Labelle, Que.

No. 30513, January 4, 1921.—Approves certain reduced fare transportation privilege certificates for Commercial Travellers.

No. 30531, January 6, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Fifth Line Telephone Company, operating in the County of Grey, Ont.

No. 30535, January 6, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Silcote Telephone Company, operating in the County of Grey, Ont.

No. 30540, January 12, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Erie Telephone Company, operating in the County of Haldimand, Ont.

No. 30544, January 12, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Caradoc-Ekfrid Telephone Company, operating in the County of Middlesex, Ont.

No. 30553, January 14, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mount Granite Telephone Company, operating in the District of Algoma, Ont.

General Order No. 326, January 14, 1921.—Prescribes amount of exchange surcharge in connection with shipments of freight between points in Canada and points in the United States.

No. 30592, January 27, 1921.—Approves Standard Freight Mileage Tariff, C.R.C. No. 4, of the Toronto Suburban Railway.

No. 30594, January 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Fenalla Rural Telephone Company, operating in the County of Northumberland, Ont.

No. 30598, January 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Peoples Telephone Company, operating in the County of Lambton, Ont.

No. 30613, February 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Aldborough Farmers Telephone Association, operating in the Counties of Elgin and Middlesex, Ont.

No. 30615, February 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Tilbury East, operating in the County of Kent, Ont.

No. 30616, February 1, 1921.—Approves agreement for interchange of telephone ervice between the Bell Telephone Company and the Melanethon Telephone Company, perating in the County of Dufferin, Ont.

No. 30617, February 1, 1921.—Approves agreement for interchange of telephone ervice between the Bell Telephone Company and the Hawley Telephone Company, perating in the County of Lennox and Addington, Ont. 20c-113

No. 30618, February 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Camperdown Telephone Com-

pany, operating in the County of Grey, Ont.

General Order No. 327, February 2, 1921.—Authorizes express companies to increase their rates and charges 35 per cent on all traffic, excepting that classified 2nd class, on which the increase is 25 per cent, excluding articles of food covered by published commodity tariffs, on which the increase is 20 per cent.

No. 30619, February 2, 1921.—Authorizes the Dominion Atlantic Railway Company to file a tariff providing for unloading charges at Halifax, N.S., on export freight traffic, of 11 cents per 100 pounds on perishable freight and 3 cents per 100 pounds on

other freight.

No. 30626, February 6, 1921.—Approves Express Classification for Canada No. 5,

C.R.C. No. E.T. 712, to become effective February 9, 1921.

No. 30639, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Cramahe, operating in the County of Northumberland, Ont.

No. 30639, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Sebringville Telephone Company,

operating in the County of Perth, Ont.

No. 30640, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Telephone de Piopolis, operating in the County of Frontenac, Que.

No. 30642, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and Le Telephone Local de Garthby,

operating in the County of Wolfe, Que.

No. 30643, February 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Kemble-Sarawak Telephone Company, operating in the County of Gray, Ont.

No. 30658, February 14, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the South Bruce Rural Telephone

Company, operating in the County of Bruce, Ont.

No. 30660, February 11, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Princeton Drumbo Telephone

Company, operating in the Counties of Oxford and Brant, Ont.

No. 30670, February 18, 1921.—Approves Supplement No. 15 to the Canadiar Freight Classification No. 16, showing revised and increased ratings on liquor provided that there shall be no increase on native Ontario wines, and that the clause respecting owner's risk of breakage be eliminated.

No. 30688, February 22, 1921.—Approves Standard Freight Mileage Tariff C.R.C

No. 738, of the Quebec, Montreal and Southern Railway.

No. 30690, February 24, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of th Township of Tarbutt and Tarbutt Additional, operating in the District of Algoma

No. 30705, February 23, 1921.—Approves agreement for interchange of telephon service between the Bell Telephone Company and the Uhthoff Telephone Company

operating in the County of Simcoe, Ont.

General Order No. 331, March 5, 1921.—Prescribes amount of exchange surcharg payable in respect of international passenger traffic between Canada and the Unite States.

No. 30717, March 9, 1921.—Extends time within which the Canadian Pacif Railway Company may test cylinders used for the shipment of compressed gases.

No. 30730, March 9, 1921.--Approves agreement for interchange of telephor service between the Bell Telephone Company and the Tarentorus Telephone Company operating in the District of Algoma, Ont.

No. 30731, March 9, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Maple Leaf Telephone Company, operating in the County of Grey, Ont.

No. 30732, March 9, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Glen Eden Telephone Company,

operating in the County of Grey, Ont.

No. 30738, March S, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Haldimand Rural Telephone Company, operating in the County of Northumberland, Ont.

General Order No. 332, March 14, 1921.—Amends the live stock valuations in the

classification when shipped with household goods and settlers' effects.

No. 30772, March 14, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Sunderland Telephone Company, operating in the Counties of Ontario and York, Ont.

No. 30783, March 15, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Conn Telephone Company,

operating in the Counties of Wellington, Gray and Dufferin, Ont.

No. 30784, March 17, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lacloche Rural Telephone Com-

pany, operating in the District of Algoma, Ont.

No. 30794, March 16, 1921.—Declares 2 cents per 100 pounds to be the proper charge for switching stone dust from the Thames Quarry Company's plant to the factory of Deviney & Campbell at St. Marys, Ontario; and authorizes the Canadian Pacific Railway Company to refund overcharges to this basis.

No. 30804, March 21, 1921.—Approves Standard Local Passenger Tariff, C.R.C. No. P-16, of the Hull Electric Company, providing a 25-cent fare applicable between

Ottawa and Hull and the Connaught Park Jockey Club.

No. 30806, March 18, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Leith and Annan Telephone Company, operating in the County of Grey, Ont.

No. 30811, March 22, 1921.—Approves Supplement No. 16 to the Canadian Freight Classification No. 16.

No. 30818, March 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Percy, operating in the County of Northumberland, Ont.

General Order No. 333, March 26, 1921.—Prescribes the form, size, and style of

the tariffs of telephone tolls to be charged by telephone companies; and approves the system of publication of long distance tolls, known as the "Standard Toll Rate Quoting System."

No. 30832, March 24, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Zion & Wolseley Telephone Company, operating in the County of Grey, Ont.

No. 30833, March 26, 1921.—Approves Standard Freight Mileage Tariff, C.R.C.

No. C-2010, of the Maine Central Railroad Company.

No. 30856, April 4, 1921.—Approves agreement for interchange of telephone ervice between the Bell Telephone Company and the Port Hope Telephone Company, perating in the County of Durham, Ont.

General Order No. 337, April 8, 1921.—Prescribes regulations for charges for ixing car doors and loading charges in cases where box cars are supplied by a railway ompany in lieu of stock cars ordered by the shipper.

General Order No. 338, April 13, 1921.—Authorizes a general increase of 12 per

ent in the tolls of the Bell Telephone Company of Canada.

No. 30908, April 16, 1921.—Approves agreement for interchange of telephone ervice between the Bell Telephone Company and the Woodford Telephone Company, perating in the County of Grey, Ont.

No. 30909, April 16, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Centre Road Telephone Company, operating in the County of Grey, Ont.

No. 30915, April 19, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Telephone de St.

Jude, operating in the County of St. Hyacinthe, Que.

No. 30917, April 20, 1921.—Approves Standard Freight Mileage Tariff, C.R.C. No.

646, of the Chatham, Wallaceburg & Lake Erie Railway.

No. 30972, May 4, 1921.—Prescribes rate of 2 cents per 100 pounds for switching stone dust from the Thames Quarry Company's plant to the factory of Deviney & Campbell at St. Mary's, Ontario, over the Canadian Pacific Railway, the said rate to apply to shipments made on and after March 16, 1921; and rescinds Order No. 30794, dated March 16, 1921.

No. 30989, May 7, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the East Luther Telephone, operating in the County of Dufferin, Ont.

No. 31005, May 9, 1921.—Approves Supplement No. 1 to C.R.C. No. E.T. 694 of the Express Traffic Association of Canada, an addition to the Regulations for Transportation by Express of Dangerous Articles.

No. 31012, May 10, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Alnwick Rural Telephone Company, operating in the County of Northumberland, Ont.

No. 31013, May 10, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Pine Grove Telephone Association, operating in the County of Simcoe, Ont.

No. 31021, May 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Houghton, Bayham & Tilsonburg Telephone Association, operating in the Counties of Norfolk and Elgin, Ont.

No. 31022. May 2, 1921.—Approves agreement for interchange of telephone service between the Boll Telephone Company and the Norfolk & Tillsonburg Telephone Company, operating in the Counties of Norfolk and Elgin, Ont.

No. 31039. May 20, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mayo & Blanche Rural Telephone Company, operating in the County of Labelle, Que.

General Order No. 341, May 21, 1921.—Requires railway companies to reduce the rates on coal from mines in the Provinces of Alberta and Saskatchewan to points in the Provinces of Alberta, Saskatchewan and Manitoba, by ten per cent, including coal actually billed out up to and including the 31st day of August.

No. 31050, May 30, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Pembroke and Mud Lake Tele-

phone Company, operating in the County of Renfrew, Out.

No. 31052, May 30, 1921. - Approves agreement for interchange of telephone service between the Bell Telephone Company and the St. Mary's Telephone System, Limited, operating in the County of Shefford, Que.

No. 31069, June 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Gloucester Township Telephone Company, operating in the Counties of Carleton and Russell, Ont.

No. 31070, June 1, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Allenford Rural Telephone Company, operating in the Counties of Bruce and Grey, Ont.

No. 31096, June 2, 1921.—Approves agreement for interchange of telephon service between the Bell Telephone Company and the Johnson Municipal Telephon System.

No. 31097, June 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lucknow and Kinloss Telephone Company, operating in the County of Bruce, Ont.

No. 31098, June 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township

of Sandwich South, operating in the County of Essex, Ont.

No. 31099, June 7, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Waterloo Municipal Telephone System, operating in the County of Waterloo, Ont.

General Order No. 342, June 9, 1921.—Approves supplements to standard passenger tariffs of various railway companies, to become effective July 1, 1921, on the reduced basis prescribed by General Order No. 308, dated September 9, 1920.

No. 31109, June 10, 1921.—Prescribes tolls to be charged by the Bell Telephone

Company of Canada for telephone service in the Village of Rockcliffe, Ontario.

No. 31113, June 10, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Parkdale Rural Telephone Company, operating in the County of Middlesex, Ont.

No. 31117, June 16, 1921.—Approves Supplement 1 to Standard Mileage Freight

Tariff C.R.C. No. 165, of the Lake Erie and Northern Railway.

No. 31118, June 16, 1921.—Approves Standard Mileage Freight Tariff C.R.C. No. 57, of the Grand River Railway.

No. 31128, June 14, 1921.—Approves Standard Passenger Tariff C.R.C. No. 45,

of the Chatham, Wallaceburg and Lake Erie Railway.

No. 31171, June 22, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Cameron Telephone Company, operating in the County of Victoria, Ont.

No. 31178, June 27, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Haldimand Municipal Tele-

phone System, operating in the County of Northumberland, Ont.

No. 31184, June 25, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Téléphone de Warwick, operating in the Counties of Drummond and Arthabaska, Que.

No. 31185, June 25, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Cold Springs Rural Telephone

Company, operating in the County of Northumberland, Ont.

No. 31190, June 24, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Belmont Telephone Co-operative Association, operating in the Counties of Middlesex and Elgin, Ont.

No. 31199, June 30, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lambton Telephone Company, operating in the County of Lambton, Ont.

No. 31212, July 4, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Metcalfe Rural Telephone Company, operating in the County of Carleton, Ont.

No. 31228, July 8, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ingersoll Telephone Company, operating in the County of Oxford, Ont.

No. 31262, July 13, 1921.—Approves Supplement No. 1 to Standard Freight Tariff

C.R.C. No. 1630, of the Great Northern Railway.

No. 31261, July 13, 1921.—Prescribes conditions under which the L'Air Liquide Society be permitted to make use of 2,500 high pressure cylinders for the transportation of acetylene.

No. 31271, July 15, 1921.—Approves Supplement No. 1 to the Express Classification for Canada No. 5.

No. 31285, July 18, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lake Charles Telephone Company, operating in the County of Grey, Ont.

No. 31286, July 18, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Brussels, Morris and Grey

Municipal Telephone System, operating in the County of Huron, Ont.

No. 31294, July 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie Téléphone Rural de Soulanges, operating in the Counties of Soulanges and Vaudreuil, Que.

No. 31295, July 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Mississauga River Improve-

ment Company, operating in the District of Algoma, Ont.

No. 31303, July 23, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Coldwater Municipal Telephone System, operating in the County of Simcoe, Ont.

No. 31304, July 23, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the United Telephone Company, oper-

ating in the County of Middlesex, Ont.

No. 31310, July 27, 1921.—Authorizes an increase in tolls for exchange rentals and

charges for service of the British Columbia Telephone Company.

No. 31317, July 27, 1921.—Authorizes the Nipissing Central Railway to make an average increase of 20 per cent in existing passenger rates; and requires the Company to file with the Board monthly statements showing its earnings and expenses.

No. 31320, July 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Pontiac Rural Telephone Company,

operating in the County of Pontiac, Que.

No. 31321, July 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Roxborough Municipal Telephone System, operating in the Counties of Stormont and Glengarry, Ont.

No. 31322, July 26, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Thedford, Arkona & East Lambton

Telephone Company, operating in the County of Lambton, Ont.

No. 31329, July 28, 1921.—Permits the Canadian Pacific Railway to cancel stop-off arrangements at Place Viger, Montreal, and at Simcoe Street and the Esplanade, Toronto, on shipments of grain products, hay and potatoes. Inspection to be retained in all cases as it now exists, and stop-off for inspection, change of destination, or for orders, to be retained at Outremont and West Toronto, or Lambton, as at present.

No. 31342, July 25, 1921.—Authorizes the Canadian National Railways to file a rate on grain and grain products, in carloads, from the head of the Lakes to Lévis,

Quebec, of 40½ cents, the same as that which is in effect to Quebec City.

No. 31381, August 12, 1921.—Approves Standard Passenger Tariff C.R.C. No. 23,

of the Nipissing Central Railway.

No. 31394, August 19, 1921.—Approves tariff C.R.C. No. 5, covering Exchange Rentals and Charges; and Supplement No. 1 to Tariff C.R.C. No. 3, covering Toll Charges, of the British Columbia Telephone Company.

No. 31400, August 17, 1921.—Requires the American Railway Express Company to publish and file a tariff showing a proportional rate of 24 cents per 100 pounds on fruits and vegetables from shipping points on the Toronto, Hamilton and Buffalo Railway to Hamilton, applicable to shipments destined beyond Hamilton.

No. 31405, August 6, 1921.—Authorizes reduced ratings on rubber and rubber articles—Tires and Tire Tubes—to be published in Supplement No. 17 to Canadian

Freight Classification No. 16.

No. 31421, August 19, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Brooke, operating the Brooke Municipal Telephone System in the Counties of Lambton and Middlesex, Ont.

No. 31429, August 19, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Téléphone St. Ours, operating in the Counties of Richelieu, St. Hyacinthe, and Verchères, Que.

No. 31489, September 12, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Verona and Frontenac Telephone Company, operating in the County of Frontenac, Ont.

No. 31490, September 12, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lennox Telephone Company, operating in the County of Lennox and Addington. Ont.

No. 31504, September 15, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the North Gosfield Municipal Telephone System, operating in the County of Essex. Ont.

No. 31511, September 14, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Magnetawan Municipal Telephone System, operating in the District of Parry Sound, Ont.

No. 31512, September 15, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Fingal Telephone Company, operating in the County of Elgin. Ont.

No. 31555, September 13, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the McKellar Municipal Telephone System, operating in the District of Parry Sound, Ont.

No. 31560, September 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Erin Municipal Telephone System, operating in the County of Wellington, Ont.

General Order No. 346, September 23, 1921.—Amends Section 1832 of the Regulations for the Transportation of Explosives and other Dangerous Articles by Freight so as to permit of the shipment of phosphorous in metal containers.

No. 31607, October 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Téléphone de Bromptonville, operating in the Counties of Richmond and Sherbrooke, Que.

No. 31608, October 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Burnt River Telephone Company, operating in the Counties of Victoria and Peterborough, Ont.

No. 31610, October 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Dummer Municipal Telephone System, operating in the County of Peterborough, Ont.

No. 31611, October 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Havelock-Cordova Telephone Company, operating in the Counties of Peterborough and Hastings, Ont.

No. 31625, October 5, 1921.—Requires the Canadian National Railways and the Canadian Pacific Railway to publish and file tariffs applying the lumber commodity rate of 17 cents per 100 pounds on shipments of cooperage stock from Smiths Falls, Ont., to Montreal, Que.

No. 31648, October 11, 1921.—Requires the publication and filing of tariffs showing special class rates from Pacific termini to points in British Columbia, Alberta, Saskatchewan and Manitoba.

No. 31669, October 18, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Manvers Municipal Telephone System, operating in the County of Durham, Ont.

No. 31696, October 21, 1921.—Approves Standard Passenger Tariff C.R.C. No. 3, of the Sydney & Louisburg Railway.

No. 31697. October 21, 1921.—Approves Standard Passenger Tariff C.R.C. No. 2, of the Sydncy & Louisburg Railway.

No. 31698. October 21, 1921.—Approves Standard Passenger Tariff C.R.C. No. 7,

of the Cumberland Railway and Coal Company.

No. 31709. October 25, 1921.—Requires the Canadian Pacific, Grand Trunk, Père Marquette, Chatham, Wallaceburg & Lake Erie, and Wabash Railway Companies and the Michigan Central Railroad, to reduce their mileage rates on sugar beets, in carloads, to Wallaceburg, Ontario.

No. 31791, October 31, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and The Nelson Telephone

Company, operating in the Counties of Halton and Wentworth, Ont.

No. 31727, November 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Hyndford-Douglas Telephone Association, operating in the County of Renfrew, Ont.

No. 31728, November 2, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lightning Telephone Com-

pany, operating in the County of Renfrew, Ont.

No. 31740, November 3, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Sunny Valley Telephone Company, operating in the County of Grey, Ont.

No. 31749, November 9, 1921.—Approves Supplement No. 2 to C.R.C. E.T.694 of the Express Traffic Association of Canada, covering revised rules in connection

with the carriage of electrolyte.

No. 31754, November 8, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bolton Telephone Company, operating in the Counties of Peel and York, Ont.

No. 31762, November 10, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Tilbury West Municipal Telephone System, operating in the County of Essex, Ont.

No. 31781. November 17, 1921.—Approves Supplement No. 18 to the Canadian

Freight Classification No. 16.

No. 31800, November 21, 1921.—Amends Order No. 31310, dated July 27, 1921, and declares that the increase in tolls allowed the British Columbia Telephone Company should apply only in Vancouver, North Vancouver, Victoria, New Westminster, and Nanaimo.

No. 31805, November 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Moore Municipal Telephone

phone System, operating in the County of Lambton, Ont.

No. 31806, November 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Yarmouth Rural Telephone Company, operating in the County of Elgin, Ont.

No. 31807, November 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Glenelg Municipal

Telephone System, operating in the County of Grey, Ont.

General Order No. 349, November 23, 1921.—Requires a reduction in the charges contained in Rule 9 of the Canadian Car Demurrage Rules.

No. 31808, November 24, 1921.—Prescribes tolls to be charged by the British

Columbia Telephone Company at its Kerrisdale Exchange.

No. 318!1, November 23, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Woodbridge & Vaughan Telephone Company, operating in the Counties of York and Peel, Ont.

No. 31812 November 23, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Spey River Telephone Company, operating in the County of Grey, Ont.

General Order No. 350, November 24, 1921.—Authorizing a general reduction in domestic freight rates within Canada.

No. 31828, November 28, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Prescott Rural Telephone

phone Company, operating in the County of Prescott, Ont.

General Order No. 352, December 1, 1921.—Approves Standard Freight Tariffs of various railway companies, to become effective December 1, 1921, on the reduced basis prescribed by General Order of the Board No. 350, dated November 24th, 1921.

No. 31871, December 7, 1921.—Approves Standard Mileage Freight Tariff C.R.C. No. 57, of the Grand River Railway.

No. 31872, December 7, 1921.—Approves Supplement No. 2 to Standard Mile-

age Freight Tariff C.R.C. No. 165, of the Lake Erie & Northern Railway.

No. 31893, December 9, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Enterprise Telephone System, operating in the County of Lennox and Addington, Ont.

No. 31907, December 13, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Laurentide Telephone

Company, operating in the County of Hull, Que.

No. 31917, December 13, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Coulson-Jarratt Telephone Company, operating in the County of Simcoe, Ont.

No. 31940, December 21, 1921.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Violet Hill Telephone Company, operating in the County of Dufferin, Ont.

I have the honour to be, sir,

Your obedient servant,

GEO. A. BROWN. Assistant Chief Traffic Officer.

A. D. CARTWRIGHT,

Secretary, B.R.C.

## APPENDIX "C"

# REPORT OF THE CHIEF ENGINEER OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1921

A. D. Cartwright, Esq.,
Secretary, Board of Railway Commissioners,
Ottawa, Ont.

SR,—I have the honour to submit herewith a synopsis of my annual report as to the work of the Engineering Department of the Board during the year 1921:—

#### ROUTE MAPS

The Canadian Pacific Railway filed and obtained approval of a revision of their

Interprovincial and James Bay Railway from Mileage 53 to 69.

The Canadian National Railways filed and obtained approval of a revision of their Rosedale Easterly Branch from Mileage 27 to 118; also of their Eston Southeasterly Branch from Mileage 32 to 44.

The Montreal Central Terminal Railway filed and obtained approval of their

general route in the city of Montreal, P.Q.

#### LOCATION

Plans have been approved showing the final location of a number of branch lines. These are for the most part in the western provinces, and are as follows:—

### Canadian Pacific Railway

Moose Jaw Southwesterly Branch, Saskatchewan. Mileage 64.59 to 114.02. Moose Jaw Southwesterly Branch, Saskatchewan. Mileage 114.02 to 203.24. Quebec Central Railway—Scott station to Diamond Junction, P.Q.

#### Canadian National Railways

Meeting Lake Branch, Saskatchewan. Mileage 0 to 23·01. Acadia Valley Branch, Alberta. Mileage 23·03 to 43·36.

### Michigan Central Railway

Through township of Crowland, Ont. Mileage 0 to 8.833.

### Brantford Street Railway

Holmedale Extension, Brantford, Ont. Eagle Place Extension, Brantford, Ont.

#### REVISED LOCATION

#### Canadian Pacific Railway

Bassano Easterly Branch, Saskatchewan. Mileage 194.39 to 222.13. Rosetown Southeasterly, Saskatchewan. Mileage 44.37 to 63.47.

# Canadian National Railways

Eston Southeasterly Branch, Saskatchewan. Mileage 31·13 to 35·22.

Kamloops, Kelowna Lumby Branch, B.C. Mile 66 to 69.

Kamloops, Kelowna Lumby Branch, B.C. Mileage 10 to 11·1.. Kamloops, Kelowna Lumby Branch, B.C. Through Sec. 11, Tp. 4, R. 28, W. 6 M.

Kamloops, Kelowna Lumby Branch, B.C. Mileage 0 to 0.9.

Kamloops, Kelowna Lumby Branch, B.C.
Through Sec. 29, Tp. 18, R. 14, W. 6 M.
Through Sec. 36, Tp. 17, R. 14, W. 6 M.
Through Tp. 19, R. 15, W. 6 M.

Kamloops, Kelowna Lumby Branch, B.C. Through Tp. 18, R. 14, W. 6 M. Canadian Northwestern Railway, Alberta. Through Sec. 28, Tp. 57, R. 8, W. 5 M.

Mayerthorpe, Alta.

Turtleford Branch, Saskatchewan. Through Sec. 5, Tp. 52, R. 21, W. 3 M. Turtleford Branch, Saskatchewan.

Turtleford Branch, Saskatchewan.

Through Sec. 6, Tp. 53, R. 21, W. 3 M.

Through Sec. 5, Tp. 54, R. 22, W. 3 M. Acadia Valley Branch, Alberta. Mileage 23.90 to 42.23.

# Windsor, Essex and Lake Shore Rapid Railway

Main street to Lansdowne avenue, Kingsville, Ont.

#### HIGHWAY CROSSINGS

In connection with the above location plans, a large number of highway crossings and highway diversion plans were approved, and a number of crossings of existing railways. In all, about five hundred and forty crossings were approved, and thirty-five diversions of highways, distributed as follows:-

New Brunswick-Four crossings.

Quebec-Twenty-five crossings, three diversions.

Ontario-One hundred and twenty crossings, ten diversions.

Manitoba—Forty-seven crossings, three diversions.

Saskatchewan—Two hundred and sixty crossings, twelve diversions.

Alberta—Eighty crossings, five diversions.

British Columbia—Twenty-nine crossings.

Of the crossings in Ontario and Quebec a large proportion were approved in connection with industrial spurs.

Authority was granted for the construction of twelve overhead highway bridges. Authority was granted for the construction of twelve farm crossings.

#### BRIDGES

The different railways throughout the country were authorized to construct or reconstruct forty-six bridges. Eight new bridges were inspected by the Board's engineers, and authority granted for operation. Authority was also granted for the filling in of a number of trestles.

### INDUSTRIAL SPURS

Authority was granted for the construction of one hundred and eighty-two industrial spurs, varying in length from a few hundred feet to six miles, also for the removal of six spurs.

#### TELEPHONE AGREEMENTS

The Board's Electrical Engineer has checked over and passed on one hundred and ten telephone agreements, covering connections between rural telephone companies and the Bell Telephone Company.

#### RAILWAY CROSSINGS

Grade Crossings were authorized at the following points, protected by full interlocking plants:-

Montreal Tramways, by Canadian Pacific Railway at Park Avenue, Montreal.

Grand River Railway, by Grand Trunk Railway, township of North Dumfries, Ont.

Canadian National Railways, by Canadian Pacific Railway, in Sec. 9, Tp. 29, Rgc.

20, W. 4 M., Alberta.

London and Port Stanley Railway, by St. Thomas Street Railway, Talbot street,

St. Thomas, Ont.

London and Port Stanley Railway, by St. Thomas Street Railway, on Elm street,

St. Thomas, Ont.

London and Port Stanley Railway, by St. Thomas Street Railway, on Wilson street, St. Thomas, Ont.

Grand River Railway, by Grand Trunk Railway, at Galt, Ont.

London and Port Stanley Railway, by St. Thomas Street Railway, at Wellington street, St. Thomas, Ont.

Grand Trunk Railway, by Canadian Pacific Railway, at Whitby, Ont.

Grand Trunk Railway, by Canadian Pacific Railway, at Pinnacle street, Belleville, Ont.

Grand Trunk Railway, by Canadian Pacific Railway, at Coldwater, Ont.

Grand Trunk Railway, by Lake Eric and Northern Railway, at Galt, Ont.

Canadian Pacific Railway, by International Transit Co., at Sault Ste. Marie,

Ont. Grand Trunk Railway, by Canadian National Railways, in the township of East Gwillimbury, Ont.

Windsor, Essex and Lake Shore Rapid Railway, by Hydro-Electric Power

Commission, at Windsor, Ont.

Lake Erie and Northern Railway, by Brantford Street Railway, at Morrell

street, Brantford, Ont. Vancouver, Victoria and Eastern Railway, by the Vancouver Harbour Com-

missioners' tracks, at False Creek, Vancouver, B.C.

Cape Breton Electric Railway, by Canadian National Railways, at Townsend street, Sydney, N.S.

Canadian Pacific Railway, by Canadian National Railways, at Trenton, Ont.

#### INTERCHANGE TRACKS

Plans of interchange tracks have been approved between railways as follows:-Canadian National Railways and Canadian Pacific Railway, at Estevan, Sask. Canadian National Railways and the Temiskaming and Northern Ontario Railway, at North Bay, Ont.

Canadian National Railways and Grand Trunk Railway, at Pembroke, Ont. Canadian National Railways and Canadian Pacific Railway, at Fort William,

Canadian Pacific Railway and Grand Trunk Railway, in the township of Etobicoke, Ont.

Canadian National Railways and Grand Trunk Railway, in the township of Elizabethtown, Ont.

Canadian National Railways and the Grand Trunk Railway, at Washago, Ont. Canadian Pacific Railway and the Edmonton, Dunvegan and British Columbia Railway at Edmonton, Alta.

Canadian National Railways and the Canadian Pacific Railway, at Montfort

Jct., P.Q.

Edmonton and Slave Lake Railway and Grand Trunk Pacific Railway, at Union Jct., Alta.

Also plans of connecting tracks were approved at the following points:-Canadian National Railways and National Transcontinental Railway, at St.

Prosper, P.Q.

Port Haney Logging Railway and Canadian Pacific Railway, at North Bend, B.C. Canadian National Railways and Grand Trunk Pacific Railway, in Sec. 25-26, Twp. 53, Rge. 7, W. 5 M., Alberta.

Canadian National Railways and Grand Trunk Pacific Railway, at Ryley,

Alta.

Canadian National Railways and Grand Trunk Pacific Railway, near Camrose, Alta.

Canadian National Railways and Grand Trunk Pacific Railway, near Alix, Alta. Canadian National Railways and Grand Trunk Pacific Railway, near Drumheller, Alta.

Canadian National Railways and Grand Trunk Pacific Railway, near Regina,

Sask.

Canadian National Railways and Grand Trunk Pacific Railway, at Edmonton, Alta.

## OPENING FOR TRAFFIC

Grand Liver Railway from Kerr street, Galt, Ont., to junction with main line at west city limit, 1.5 miles.

Grand River Railway, second track, Preston to Hageys, Ont.

Canadian National Railways, Luck Lake Branch. Mileage 19.75 to 28.54, Saskatchewan.

Canadian National Railways, Drumheller Subdivision. Mileage 302.6 to 315.6, Alberta.

Canadian National Railways, connection with Temiskaming and Northern Ontario Railway at North Bay, Ont.

Canadian National Railways, Hanna-Medicine Hat Branch. Mileage 0 to 58.8, Alberta.

Canadian National Railways, Moose Jaw Branch. Mileage 85.6 to 87, Sasxatchewan.

Canadian Pacific Railway, Lanigan northeasterly branch. Mileage 0 to 49.34, Saskatchewan.

Canadian National Railways, second track, Drumheller Branch. Mileage 315.6 to 22.7, Alberta.

Quebec Central Railway, Scotts to Diamond Jet., P.Q.

Canadian Pacific Railway, Langdon North Branch. Mileage 38.88 to 74.29,

Brantford Street Railway, in city of Brantford, Ont.

Canadian National Railways, Melfort Northeasterly Branch. Mileage 0 to 23.7, askatchewan.

Canadian Pacific Railway, St. John Subdivision, New Brunswick. Mileage 38 to 1.93.

Canadian National Railways, Thunderhill Branch. Mileage 72.6 to 100.3 Sasitchewan.

Canadian National Railways, Turtleford Branch. Mileage 57 to 77-8, Saskatchewan.

Canadian Northwestern Railway, Onoway Subdivision. Mileage 33-8 to 72-3,

Alberta.

Canadian National Railways, Lintlaw to Kelvington. Mileage 100.3 to 114.1, Saskatchewan.

Windsor, Essex and Lake Shore Rapid Railway, in town of Kingsville, Ont.

#### DRAINAGE

Right of way ditching, Canadian National Railways, at Letellier, Man. Culvert under Canadian Pacific Railway, at East Kildonan, Man.

Dyking of lands in District of Sumas, B.C., on the line of the Vancouver, Victoria and Eastern Railway and Navigation Company.

Ditching on the right of way of the Canadian Pacific Railway in Township of

Thessalon, Ont.

Municipal drain in Township of Minto, Ont., under the Grand Trunk Railway. Irrigation ditches under the Canadian Pacific Railway, near Calgary, Alta. Slagg drain under the Grand Trunk Railway, in the township of Raleigh, Ont. Water main under the tracks of the Esquimault and Nanaimo Railway, at Courtenay, B.C.

MISCELLANEOUS

In addition to the above, many other matters have been dealt with, some of them involving inspections, such as protection at highway crossings, fencing on railway right of way, changes in interlocking plants, improvement of view at highway crossings, filling in of trestles, subways, cableway crossings, cattle passes, ferry slips and approaches, wire crossings, etc.

I have the honour to be, sir,

Your obedient servant.

GEO. A. MOUNTAIN, Chief Engineer.

## APPENDIX "D"

# REPORT OF THE CHIEF OPERATING OFFICER OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1921

DEAR SIR,-I have the honour to submit herewith, for the Board's seventeenth annual report, a synopsis of work performed by the Operating Department during the twelve months ending December 31, 1921.

REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OR LOSS OF LIFE

During the twelve months accidents to the number of 1,821, covering 243 persons killed and 1,928 persons injured, were reported to the Board by the various railway companies under its jurisdiction. For particulars, attention is directed to statements

A perusal of statements Nos. 2, 5, and 6, which are comparative statements of the killed and injured, as between passengers, employees and others; class of accident and railways, reveals a decrease of 11 persons killed and 402 persons injured over the preceding twelve months.

Out of a total of 1,821 accidents reported, as above referred to, 1,272 were investigated, covering 221 persons killed and 1,421 injured. Statements Nos. 7, 8, 9 and 10 set out in detail the investigations made as regards collisions, derailments, highway crossing accidents, also accidents the result of working on or under engines. These four statements show a total of 460 investigations covering 85 persons killed and 671 persons injured. The remainder of the investigations, which number 812, covering 136 persons killed and 705 persons injured, are spread over accidents covered by the various other headings referred to in statements Nos. 3, 4, and 5.

It will be observed that out of the total of 243 persons killed and 1,928 injured, there were trespassers to the number of 64 killed and 91 injured. In this connection reference is made to statement No. 16 which shows the number killed and injured by railways and provinces.

The matter of highway crossing accidents, protection provided, etc., is set out in detail in statements Nos. 3, 4, 5, 9, 11, 12, 13, 14 and 15.

# INSPECTION OF SAFETY APPLIANCES

The work in this connection is largely carried on under the provisions of section 198 of the Act and General Order No. 102. The year's work is set out in detail in tatements Nos. 19, 20, 21 A and B. It is needless to say that the inspection of 6,789 cars entails considerable time and labour, both as regards field work, and the esultant checking, recording and filing of the numerous reports, in addition to the orrespondence necessary in following up with a view to having the railway com anies take the necessary action to have the defects remedied. The inspection of 6,789 cars produced 4,352 defective cars (5.66 per cent) with defects totalling

## INSPECTION OF MOTIVE POWER

This division of the work embraces the entire locomotive and tender, and is rried out under sections 298, 299, 300 and 301 of the Railway Act and General rders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199, 226, 289 and 293. 20c-12

Under General Order No. 78, the so-called "Boiler Inspection Order," approximately 70,000 report forms comprising the monthly and annual inspections of locomotive boilers and appurtenances were filed during the year.

During the year locomotives to the number of 12,559 were inspected with defective engines totalling 923 (7 per cent) and total defects of 1,060. For details

reference is made to statement No. 22.

The checking and recording of the above mentioned forms and reports, together with the correspondence involved, naturally creates an extensive line of work.

INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES

This work comprises features of safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

APPLICATIONS AND COMPLAINTS RE TRAIN AND STATION SERVICE, HIGHWAY CROSSING PROTECTION, STATION LOCATIONS, CAR SUPPLY, ETC., ETC.

The work under this heading covers a wide range of matters, and entails. in many instances, a considerable amount of enquiry and research. During the year complaints and applications numbering in the neighbourhood of 1,300 were enquired into and reported upon.

In conclusion it might be stated that, in order to accomplish the work briefly outlined above, it has necessitated the travelling by the staff of this department, of

approximately, 300,000 miles.

Yours faithfully,

G. SPENCER, Chief Operating Officer.

A. D. CARTWRIGHT, Secretary, B.R.C.

No. 1.—Statement Showing Number of Passengers, Employees and Others, Killed and Injured on the Various Railways in Canada, under the Board's Jurisdiction, for Year Ending December 31, 1921.

Name of Railway	Pass	engers	Emp	loyees	Ot	hers	T	otal
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	
	3	65 48	18 37 29	368 184 712	49 67 18 1	112 107 68 2 4	67 107 47 1	579 350 828
Windsor Essex & Lake Shore Montreal & Southern Counties Oshawa. Lake Erie & Northern. Dominion Atlantic. Essex Terminal. Edmonton Dunyagan & Paid Col.	1	3	• • • • • • • • •			1 1 4 2 4 4 1	5	7 7 2 3 4 4 •1
Niagara, St. Catharines & Toronto Brantford & Hamilton Elec			1	25 8 .	1 3	5 6 7	3	15 6 33 8
		6 1 1 2 3	1 2	11 8 12 	1 1 2	1 1	1 1 2 2 2	6 18 9 14 3 15
	4	240	91	1344	148	344	243	1928

No. 2.—Comparative Statement of Killed and Injured Between Year Ending December 31, 1920, and Year Ending December 31, 1921.

	Passen		Empl	oyees	Otl	ners	То	tal
	Killed	Injured	Killed	Injured	Killed		Killed	Injured
1920 1921	17 4	379 240	80 91	1,570 1,344	157 148	381 344	254 243	2,330 1,928
Decrease. Increase.	13		11	226	9	37	11	402

No. 3.—Statement Showing Separately the Number of Passengers, Employees and Others Killed and Injured, and the Nature of the Accidents, for Twelve Months ending December 31, 1921.

ending December 61, 10								
	Pas	sengers	Empl	oyees	Oth	ers	Tota	ıl
Character of Accidents	Killed		Killed	Injured	Killed	Injured	Killed	Injured
	Killeu	Injured						
		66	11	91	1	2	12	159
Derailment		10	2 2	23 20			$\begin{bmatrix} 2\\2 \end{bmatrix}$	33 28
Callisian roar and			1	23			1	43
Collision in yard				6				15
Collision with cars account oper	l I	1	2	4			2	6
Callision at level (diamond) Cross	-	1		4				7
ingPublic highway crossing protected	1			1	5	13	5	13
by gates	1							27
Public highway crossing protected by bell. Public highway crossing protected					. 14	27	14	
by watchman				. 2	1	6	1	8
Public highway crossing unprotected					50	161	50	166
						13 88	6 64	18 91
Private crossing Trespassing Working on or under engine				235				235 341
Miscellaneous	. [	53	12	280	2	8	15	041
Adjusting couplers, coupling an uncoupling				. 69				69
Dun down by engine of the Detwer	2111						3	5
stations. Falling off hand car, motor	) I' i	1		88			4	88
velocipedevelocipede struc	le le							59
by train				7 44			1	1
Crawling under cars	7-				3			. 3
lers between	en							
couplers. Struck by car standing foul				_	1			1
Struck by switch stand, wat	er			1 2	9		. 1	31
Spout, mail crane, etc	φ.	**					0	. 8
lumber nile plattorms, etc			• •	-		1		. 6
Explosion of locomotive boiler Falling off passenger train			2		6		. 2	18
					2			
coal.  Falling off tender while taking off tender while taking	ng							
water				8 3	3			3.
				1	22			1 25
engineOverhead obstruction								1 10
Denoising ones on rough Lrs	LCK1							
when moved					16	1		3 1
Falling between cars								7:
Application of air brakes Jumping off train in motion			39	3	24		1	3 6
Attempt to board train in Hillin	JII		13	3 1	23		_	1
Washout Bridge gave way or destroyed	by							1
fire				1	4			
Run down by engine or cars at	sta-	-	1	177	54	1	2 1	8   5
tions or in yards Passing too close around end			1	17	04	1		1
string of cars					1			
Caught in frog, guard rail,	or				4			
Caught by engine or car throw	ring			1	4			1
switch								

No. 3.—Statement Showing Separately the Number of Passengers, Employees and Others Killed and Injured, and the Nature of the Accidents, for Twelve Months ending December 31, 1921—Concluded.

Character of Accidents	Pass	sengers	Emp	loyees	Ot	hers	To	tal
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Falling off side and end ladders of car. Falling off car while working hand brake. Asphyxiated in tunnel. Handling freight and baggage. Loading and unloading O.C.S. material. Staking or poling cars. Working in coal chute. Cars moved while being loaded or unloaded. Drawbridge open. Carmen working on or under cars on running track when moved. Chaining and unchaining cars. Coupling and uncoupling hose and turning angle cock.			1	20 2 1 4		1	1	177 200 2 1 1

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	vhile v	t and l	g cars.	chute.	ile bei	n	20 110 5	chaini	couplir				
	Falling off car while working hand brake. Asphyxiated in tunnel	and un	Staking or poling cars.	in coal	Cars moved while being loaded or unloaded	Carmen working on on under	moved moved	Chaining and unchaining cars	Coupling and uncoupling hose and turning angle coel-				
	phyxia	ading	aking o	rking	rs mor	TWANT	move	aining	upling				
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No. 4.—Statement Showing the Character of Accidents Sustained by the Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board for Twelve Months ending December 31, 1921.—Continued.

Definition of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the con		()shawa	N.S.	L.E. & N	Z	D.A.R.	.R.	Essex		E. D. & B.C.	.33	B. & M.		N. St. C. & T.	B. & H. Elec.	Η.	M.C.R.	
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pells watchman  bell watchman  bell pling ations  by train  as mail crane, etc.  by train  so in yards  so in yards  of cars  of cars  of cars  of train	Collision with ears standing foul.		: :	: 1							:			: .		: :		
bell. watchman  yeling. pling. ations by train  mail crane, etc. by train  s. s. a. s. of train  so in yards  so in yards  of cars  of trb	Collision at level (diamond) crossing. Public highway crossing protected by gates.	: :	: ;	: :	: :	: :			: :					:	•	:		. 24
phing ations etc.  By train  mail crane etc.  mail crane, etc.  pile, platforms, etc.  ser pile, platforms, etc.  ser on in yards  ser on in yards  of ears		1.	. :		: :	: :	::	. : 	; ;					. :		9	\$1	. 29
s, coupling. s, coupling and uncoupling. ar, motor or between stations. ar, motor or velocipede ar, motor or velocipede ar, motor or velocipede ar, motor or velocipede ar, motor or velocipede arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears over couplers. arears building, lumber pile, platforms, etc. arears building, lumber pile, platforms, etc. arears building, lumber pile, platforms, etc. arears vertice produced over the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platforms of the platf	Public highway crossing unprotected		4	: .	<del>र</del> ा .	: :	: :		: ::				. :		. :	:	:	:
phing attoms.  by train  mail crane etc.  ser pile, platforms, etc.  orved  so or in yarrls  of ears						: :	- :	: :	pant .	. :	. :	: :	: '	- :	: -		: :	
n n. n. n. n. n. n. n. n. n. n. n. n. n.	Working on or under engine.				:	:	:						-			: :	: :	
by train  by train  mail crane, etc.  er pile, platforms, etc.  oved  so on in yar-ls  so or in yar-ls  of cars  of cars	Adjusting couplers, coupling and uncoupling.	: :		1 :		: :								:		:	:	
by train.  Mail crane, etc.  er pile, platforms, etc.  ooved  so on in yards  of cars  of cars		:		:	:	:	:			:	. 4						: :	
mail crane, etc. er pile, platforms, etc.  oved  oved  of cars of cars tob						: :			: :			-				:	:	
mail crane, etc. er plie, platforms, etc.  oved  oved  so in vands of cars od  tab	Craw ling between cars over couplers.		:		:	:	:	:	:	:		_		-		:	: :	
phatforms, etc.	Passing between cars between couplers.	:	:	:		: :					:			:				
e, platforms, etc.	Struck by car standing loui.								_					:		:	:	
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	Explosion of locomotive boller.  Falling off passenger train.												:				: :	
	Falling off tender while handling coal	:	:		:		:	. ;									:	
All Market	Falling off tender while taking water.	: :				: :								1			:	
Name of the state	Riding on pilot or footboard of engine	:	:	:	:		:			: .		:			. :	: :	:	
NATURE AND AND AND AND AND AND AND AND AND AND	Overhead obstruction Renairing ears on repair track when moved	:										:				:		
Application of air brake Jumping off train in motion.  Attempt to board train in motion.  Mashout. Bridge gave way or destroyed by fire. Electrocuted. Run down by engine or cars at stations or in yards. Passing too close around end of string of cars. Caught in frog, guard rail or switch rod. Caught in frog, guard rail or switch rod. Falling off side and ord ladders of car.	Falling off top of car.			- 1	: ;		: :	. :						. :				
Attempt of train in motion.  Attempt to board train in motion.  Washout.  Bridge gave way or destroyed by fire.  Electrocuted.  Run down by engine or cars at stations or in yards.  Passing too close around earl of string of cars.  Caught in frog, guard rail or switch rod.  Caught in frog, guard rail or switch.  Falling to by engine or car throwing switch.	Application of air brake	:	:		:	1	:							:		: .	: -	
Washout.  Didac gave way or destroyed by fire.  Electrocuted.  Run down by engine or cars at stations or in yards.  Run down by engine or cars at stations or in yards.  Passing colose around end of string of cars.  Caught in frog, guard rail or switch rod.  Caught in frog, guard rail or switch.  Falling the sind and call adders of car.	Jumping off train in motion				: :				:						:			
Britage gave way or unstroyed by me. Electrocuted. Run down by engine or cars at stations or in yards. Passing too close around earl of string of cars. Caught in frog, guard rail or switch rod Caught by engine or car throwing switch. Falling of side and or all adders of car.	Washout		-		: :	:		: :		: :	;			. :	: :			
Run down by engine or cars at stations or in yurds Passing too close around end of stations of cars Caseful in frog, guard and or switch rod Caught in frog, guard and or switch Falling to by engine or car throwing switch. Falling of side and end ladders of car.	Bridge gave way or destroyed by his	: :				:		:	:	:	:					: :	-	
Caught to recognize and and the service of the Falling of the which and the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the service of the servi	Run down by engine or cars at stations or in yards Decing too close around and of string of cars				: :	: :					: ;	:		_		:		
Caught Dy engine of at Universe when a Falling of a factor of each of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of the Caught of th	Caught in frog, guard rail or switch red	:	:	-		. :				: :				: .				
	Falling off side and end ladders of car.								:		:	:	:	· ·		1		

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Asphyriated in tunnel	Tranging freight and baggage	iding and unloading O.C.S. material	king or poling cars.	Working in coal chute	s moved while being loaded or unloaded	Drawbridge open	Carmen working on or under core or	Ining and unobeing cars on running track when moved	The and unchanning cars	pling and uncoupling hose and turning angle cock					
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No. 4. STATEMENT Showing the Character of Accidents Sustained by the Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board for Twelve Months ending December 31, 1921.—Continued.

	Wabash	- q	River		N.Y.C.	O	G.N.R.	K.1	K.V.R.	E. &	ż	T.H. &	& B. (	Q.M. & S.	ri Ox	Total
	K.	1	K.	I.	K.   I.	K.	I	M	H	A.	H	M.	н	K. I.		Ж.
, marrie la company de la comp	:		:	:		:	:		:		:		:	:	:	57.0
Collision head on		:						: :	: :		:					101
Collision in yeard						:	:	:	:	:	:	:		-	:	
Collision with cars standing foul	:	:	:	:	:	:		:	1			:				?!
lision with ears account open switch	:	:	:			: :	-	:							-	
Dallis for at level (dramond) crossing								:	:	:	:	:	:	:	:	ر د ده
Public highway crossing protected by Bell		:	:	:	:		:	:	:	:	:	:	-			
Public highway crossing protected by watchman.	:	:	:		:		:		:	:		:	20			200
Jublie highway crossing unprotected	1	:	:	4	:	-	:					:		:	-	9
	:	:		. 23		_	-	:	-							7
Vorking or or under engine		77					~ ~		~Jr 1:	1	:	:	- :		.?	10
Wiscollanding		-	:	-	:		† ·		2	1	:	:	1 -		1 -	-
Advisting couplers, coupling and uncoupling	:	:	:	:	:	-		:		:	:	:	4		-	20
Run down by engine or ear between stations	:	:	:	:	:	:	γ	:							_	
	:	:	:	:	:		-					:	-	:	-	5.
Prot										:				:	:	
Craw ing under cars.		:	:			•	1	:	:		:	:			:	. ?
Passing between cars between couplers.	:	:		:		-	:	:		:		:			:	1
	:				:	:		:								
r spout, mail crane, etc	:		:		:						-	:	-	:	-	2.1
Crushed between cars, building, lumber pile, platforms, etc						-	:	:	:	-	:	:		:	:	. 0
Explosion of neconnect train				:	:	Ç1	:	:	:	:	:		:	:	:	20
Palling off tender while handling coul	:	:	:		:	:	1	:	:	:	:	:	:	:	:	
Falling off tender while taking water	:	-		:	:	:		: "		:		:				· ×.
Industrial	:		:	:	:		:	-	1							
Riding on pilot or footboard of engine	: : : :	:	:	:	:	:						:	:	:	-	-
Overhead obstruction.	:							:	:	:	:	:	-	:	:	-
Bulling Cars on repair track when moved		-	-			:		:	:	:	:	:	- 9	:		000
alling out top of cat.		:	:	:	:	:	:	:	: "	:	:	:	-	:	:	73
Application of air brake	:	_	:	-	:	21	1	:		:			: ::0	:	:	: 20
Jumping off train in motion	:		:		:	:	:				1					00
Attempt to board train in motion	:			1								:	:			-
Raidea gave way or destroyed by fire						:	:	:	:	:	:	:	:	:	:	-
Strage gave way of descroyed by me.				-	:	:	:	:	:	:	:	:	-	:		
Run down by engine or cars at stations or in vards	:	-	:	:	:	-	1	:	1	1	:	:	7	:	-	-
assing too close around end of string of cars	:	:	:			:							-			
sught in frog, guard rail or switch rod	:	:	:	:	:						:	:	:			
Caught by engine or car throwing switch	:	:	:						:	:	:	:	:	:	:	:
Falling on side and end ladders of cars														_	-	

Asphyxiated in tunnel.																		
Llanding freight and baggage.	:		:				1	-	-	-		-						S
Loading and unloading O.C.S. material	:					-			_	-	<u>.</u>	1	:		:			
Staking or poling ears.				-	-			-		:	<u>:</u> :		:		:	:	17	S
Working in coal chute				:						<u>:</u> :	:	1	:	:	-	:	90	S
Cars moved while heim loaded on make 1.1		-		-	_	_		-		:	<u>:</u> :				-			
Drawbridge onen					-	-	:	-		1			:	-		:		) [
String working of					:	:	1	:		:				_		:		V.
Charles on of under cars on running track when moved		-	-	:	-	1	-		-	-	_	_	-	-		1		A
Chaining and unchaining cars.	-	:	:			-			_	_	-		1	-				L
Coupling and uncoupling hose and turning and turning		:			-		_	-			:		-	:	-		91	
and culming angle cock.	-	:	-	-	_	-	-	<u>.</u>		1		:						P
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						-	-	-	_	_		_				240	1,320	F

No. 5.—Comparative Statement in Totals of Killed and Injured by Class of Accident Between Year Ending December 31, 1920, and Year Ending December 31, 1921.

	192	20	192	21		192	21	
					Incre	ease	Decre	ease
Character of Accidents	K.	I.	K.	I.	K.	I.	К.	I.
Derailment	11	316 66	12	159 33	$\frac{1}{2}$			157 33
Collision, head on Collision, rear end	14	58	2	28			12	30
Collision in yard. Collision with cars standing foul.	2	45	1	43 15		11	1	2
Collision with cars account open switch		21	2	6	2	11		15
Collision at level (diamond) crossing  Public highway crossing protected by gates	6	4 14	5	7 13			1	1
Public highway crossing protected by bell	6 4	29 8	14	27 8	8		3	2
Public highway crossing protected by watchman Public highway crossing unprotected	52	164	50	166		2 8	2	
Private crossing	73	10 120	64	18   91	4	8	9	29
Trespassing. Working on or under engine.	3	232		235		3	3	35
Miscellaneous	7 6	376 101	15	341 69	8		6	32
Run down by engine or car between stations	9	8 49	3 4	5 88	3	39	6	3
Falling off hand car, motor or velocipede	6	44	9	59	3	15		
Crawling under cars	2	1 8		1 3			2	5
Passing between cars between couplers	2	3 10	2	4				9
Struck by car standing foul Struck by switch stand, water spout, mail crane, etc.		43	1	31	····i			12
Crushed between cars, building, lumber pile, platforms, etc		16	2	8	2			8
Explosion of locomotive boiler				6		6		6
Falling off passenger train	3	24 2	3	18				
Falling off tender while taking waterIndustrial		9 58	8	34	6			6 24
Riding on pilot or footboard of engine	2	16	1	22		6 7	1	
Overhead obstruction		3	1	10				
Falling off top of car. Falling between cars.	3	33	3 2	16 7		5	1	17
Application of air brake		53		72		5 19		
Jumping off train in motion	4	62 57	3	64 38	3	2		19
Washout	1	2 2	1 1	3 4		1		
Bridge gave way or destroyed by fire Electrocuted Run down by engine or cars at stations or in yards.							8	
Run down by engine or cars at stations or in yards.  Passing too close around end of string of cars	26	76	18	57		1	8	19
Caught in frog guard rail, or switch rod		3 4		4 4	1	1		
Caught by engine or car throwing switch,  Falling off side and end ladders of car		23	1	18				5
Falling off car while working hand brake	1 2	29	1	22			1	7
Handling freight and baggage		33		17 20				16 16
Loading and unloading O.C.S. material Staking or poling cars		1		2		1		
Working in coal chute		1 8		1 5				10
Drawbridge open								
Carmen working on or under cars on running track		16		2				14
Chaining and unchaining cars.  Coupling and uncoupling hose and turning angle cock		1 12	2	17	1	5	1	1
Coupling and uncoupling nose and turning angle cock		-	-				57	540
Decrease	254 243	2,330 1,928	243	1,928	46		4.0	138
	11	402					11	402
		1	1	Ī			1	1

No. 6.—Comparative Statement in Totals of Killed and Injured Between Year Ending December 31, 1920, and Year Ending December 31, 1921.

	1	920		1921		1	921	
					Inci	rease	De	crease
	K.	I.	K.	I.	K.	I.	K.	I.
Niagara, St. Catharines and Toronto Brantford and Hamilton Electric. Michigan Central Wabash Grand River. New York Control	1 3 7 7 1 1 1 1 6 6 6 6 6 6 6 6 6 6 6 6 6 6	9 3 2 2 2 2 3	1 5 3 3 3 1 1 1 2 2 2 2 2 2 2 2 2 2 2 2 2 2	356 828 24 1 1 1 7 2 2 3 4 4 1 1 1 1 4 1 1 5 6 6 3 3 8 6 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		1 5 1 4 4 15 1 1 1 8 9 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1	153 655 22 12 21 100 30 138 11 11 11
Decrease		1,928	243	1,928	17	147	28 17	549 147
	11	402					11	402

Note.—†Now consolidated with Canadian National Railways.
\*Now consolidated with Great Northern Railway.

No. 7.—Statement Showing Collisions Attended by Personal Injury Investigated During the Year Ending December 31, 1921.

	File	Da	ate	Railway	Place	Kil- led	In- jured
Inv.	9608	Dec.	23	C.P.R	Forks, Ont., M.P. 33, Nemegos Subdivision		2
4.6	9612	Dec.	27	C.N.R G.T.R	Dauphin, Man., M.P. 76.8		1
66	9632	Dec.	18	G.T.R	Windsor, Ont		4 9
**	9642	Dec.	23	C.P.R C.N.R			0 5
66	9692	Dec.	29	C.N.R	Rivers Yard, Man		4 5 2 2 6
33					Munson Yard, Alta		9
66	9704	Jan.	1	C.N.R	Turtle, Ont	4	ß
33			17	C.N.R	Ste. Anne, Man.	1	2
	9706		3		Drumheller Yard, Alta	-	
	9742	Dec.	10	G.T.R. &	Turcot, Que		3
6.0	OWN	Τ	0.1		Oakner, Man		2
66		Jan.	21	C.N.R	Farnham Yard, Que		2 2
"		Feb.	5	C.P.R	Winnipeg, Man		1
	9796			C.P.R	North Bay, Ont		1
	9826 9830		3	G.T.R	Stoney Creek, Ont		1
			16		Welby, Sask		1
	9873		15	C.N.R G.T.R. &			
	7010	1 (-1).	117	B.S. Ry	Brantford, Ont		3
6.0	9899	Mor	2	C.N.R	Oba, Ont., 19 poles West of M.P. 40		4
cc	9902			C.P.R	Deux Rivières, Ont		14
66	9915			G.T.R	Plessisville, Que		1
6.0	9959			C.N.R	Brent Yard, Ont., Pembroke Subdivision		5
66	9970		1	G.T.R	Barrie Station, Ont., just south		18
cc	9975		18	C.N.R	Bedford, Man., 10 poles west of M.P. 384		2
6.6	10002			C.P.R	Near Connaught, B.C., M.P. 79		
	10010		16	G.T.R	Montreal, Pt. St. Charles, Que		1
	10048		7	C.N.R	Chinook, Alta., 2.3 miles east	1	1
	10075		22	C.N.R	Mead, Sask		5
	10077		3	M.C.R	Victoria Yard, Ont		1
6.6	10080	May	14	N.St.C. &			
				T	Thorold, Ont., Pine Street		10
66	10122	May	21	G.T.R	Kingston Jct., Ont., M.P. 171 East		1
66	10124	May		M.C.R	Windsor, Ont.		1
44	10186	Apr.	28		St. Hyacinthe Yard, Que	1	
	10188		28		Edmonton Yard, Alta		1
	10222		1	G.T.R	Newbury Yard, Ont		1
٠,	10235	June	29	G.T.R	Clarksons, Ont		1 1
60	10253	July	8	C.N.R	Capreol Yard, Ont		1
	10256		15	G.T.R	London East, Ont.	9	1 1
	10263		4		Napierville Jct., Que		3
66	10392	Aug.	27	G.I.R	Southwood Ont		1
66	10403		22		Southwood, OntOttawa, Ont., near Bank Street		1
66	10426	July	6	G.T.R	Rig Valley Vard Alta		1
66	10480 10506	Aug.			Big Valley Yard, Alta. Saskatoon Yard, Sask.		Î
"	10500	Sept.	99	C.N.R.	Winnipeg, Man., House Lead		Î
	10524	Sept.	30				4
66	10618		1		Junction Cut, Ont.		1
cc	10653		17		Near St. Charles, Man		1
6.0	10682		16	C.N.R.	Rainy River Yard, Ont., West side		3
**	10684	Oct.	19	C.N.R.	Brandon Jet., Man.		3 3 3
**	10740		15	C.P.R.	Brandon Jet., Man. 6 poles west of M.P. 5, White River Subdivision, Onto		3
66	10776			C.N.R.	Near Kindersley, Sask		1
**	10830					1	1
	10846	Dec.			Imperial Yard, Sask		2
Tot	tal53					8	139

No. 8.—Statement Showing Derailments Attended by Personal Injury Investigated During the Year Ending December 31, 1921.

			the Tear Ending December 31, 1921.		
File	Date	Railway	Tace	Kil- led	jured
Inv. 9589			Three-quarters of a mile west of Toronto, Ont		
9620 9646					
° 9655,	Dec. 29	C.N.R	Kirkella, Man.  Kinghorn Ont Mile 137 Long Lole Sub land		
" 9658	. Dec. 1	C.N.R	Jellicoe Yard Ont		. 1
9707		C.P.R	Douglas, Ont. M.P. 0.5 Fronzille C. 1 1		. 1
" 9741 " 9761			Southwork, Que. (Montreal)		1
" 9797	Feb. 16.	C.P.R	Beachville, Ont. Domain, Man		1
9875	Feb. 12	C.N.R	Big Valley Vard Alta		2
9009		IC.N R	Bissell, Alta., 5 poles east. Fairlock, Ont		1
" 9891 " 9892			Fairlock, Ont. Erith, Alta., M.P. 8.5, Lovett Subdivision. Agate, Ont. 3 miles west		8
" 9898	Mar. 1	C.N.R	Ageta Ont 2 1		11
<b>"</b> 9916	Feb. 28	.]G.T.R	Montreal Pt St Charles One		1
9920			. Bradwardine Man	1	
" 9956 " 9957	Mar. 19 Mar. 1	. C.N.R			1
	Mar. 1 Mar. 26		Bourg Louis, Que.		3
<b>"</b> 9984	Apr. 14	C.P.R.	Bourg Louis, Que. Sintaluta, Sask, 2-5 miles west. Near Macklin, Alta, M.P. 65		5
" 10004	Feb. 6		Near Boothroyd, B.C., M.P. 113.7 Boston Bon Sub		5
" 10013	Apr. 30	CATA	division.		3
" 10013	Apr. 30 Apr. 18	C.N.R.			1
" 10036	Apr. 4	.IC.N.R	Drumbollon Alta M. D. 20 S. Kipling Subdivision		î
" 10039	Feb. 10	.1C.N.R.	Butze, Alta		1
10040	Mar. 9	CNR	Near Hofford Alto M. D. 107 Cl		1 3
" 10055 " 10058	Apr. 14	C.P.R. C.P.R.			1
" 10068	May 12	IC.P.R	St Rothologor Own 1 16 Alta		18
" 10113	May 29	C.P.R.	Lachine Conel South Book Desert O		3
10117	May 18			2	
" 10119 " 10125			Campbellford, Ont., 3 miles east.		1
" 10136	June  6	G.T.R			î
" 10148	Mar. 24	C.N.R.	Grant Brook, B.C.	1	6
10104	Apr. 29	C.N.R	M.P. 48.5. Clearwater Subdivision B.C.		$\frac{2}{2}$
" 10155 " 10179	Apr. 22 June 2	C.N.R	· 1 · 1 · 1007 · 4. OKEERS SUDDIVISION B C		2
" 10187L	June 14	C.N.R G.T.R			1
10232	June 14	C.P.R	Kylemore Sask		6
10200	June 25	C.N.R			1
" 10273J " 10288J		C.N.R	Mukatush, Ont.		1
" 10292	uly 13 une 25	G.T.R G.T.R	maduc Jct., Ont., one-quarter mile west	1 1	$\hat{2}$
" 10310J	uly 9	C.N.R.	Reaboro, Ont., three-quarters of a mile west. Near Cadomin, Alta.		2 3
" 10372	lug. 28	C.P.R.	Rutter, Ont., one mile south.		3 10
" 10404	Aug. 31	N. St. C. &			10
" 10439, 8	ept. 13	C.N.R	St. Catharines, Ont., between Queenston and Calm Sts.	1 .	
" 10440 S	ept. 14	C.N.R.	Near Shilo, Man. Yarker, Ont.		2
10445]A	lug. 2	C.N.R. C.N.R.			1
" 10476 A " 10488 A	tug. 13	CPR			3
" 10523 S	ept. 20	G.T.R	Glenco, Ont., three-quarters of a mile east.  Stamford, Ont., three miles west.		1
10544[0	ct. 2	C.P.R.	Grand Coules, Sask		1
" 10591O	et. 11	GTR	Donorrow O-+ 10 1 15 To 7		1 7
10592S					1
					2
10657O	Op	U + 1 V + 1 L + + + + +	Warrel, B.C.		1
10661N	ov. 5	C.P.R	Chaplin Yard, Sask. Pocalogan, N.B., three-quarter mile west.		1
	ct. 26	O - 4 + 10	London, Ont., west end of No. 2 racecourse		3
	ct. 16(	7.TA. W	Duiresne, Man., M.P. 416 Sprague Subdivision		3
	ov. 2	J.N.R	Geikle, Alta	1	
107710	et. 21(	7. N. R	Noon Vonn Cools		2
10794 0	et. 11(				1
10800N	OV. 21	.N.R	Near Muir, Man Bridge 89·22, Neudorf Subdivision		6
10845D	ec. 19	J.P.R	Bridge 89·22, Neudorf Subdivision		2
otal68				8	171
1					

No. 9.—STATEMENT Showing Highway Crossing Accidents Attended by Personal Injury Investigated During the Year Ending December 31, 1921.

Remarks	Automobile Automobile Horse and rig Automobile Fedestrian Horse and rig Automobile Automobile Automobile Automobile Automobile Automobile Automobile Automobile Automobile Automobile Automobile Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedestrian Fedes
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Injured	_
Killed	errititierretteerreerre
Place	St. Marys, Ont., Elgin street  Galt, Ont., Clyde road  Galt, Ont., Clyde road  Guelph, Ort., Glasgow street crossing.  Guelph, Ort., Glasgow street crossing.  Lachute, Que, Princess St., Third crossing west  Lachute, Que, Princess St., Third crossing.  Fort Saskatchewan, Sask., Ross street crossing.  Fort Saskatchewan, Sask., Ross street crossing.  Fort Saskatchewan, Sask., Ross street crossing.  Fort Saskatchewan, Sask., Ross street crossing.  Fort Saskatchewan, Sask., Ross street crossing.  Fort Saskatchewan, Sask., Ross street crossing.  Fort Saskatchewan, Sask., Ross street crossing south.  Forondo, Ont., Mill street crossing west.  Anarinville, Man., first crossing west.  Carberry, Man., first crossing west.  Hamilton, Ont., Lottridge street.  Barwick, Ont., first crossing east.  Port Arthur. Ont., Manicou street.  Nanton, Alta., Marshall street, first crossing north.  Lashburn, Alta., crossing street.  Sarberry, Man., crossing ly miles west.  Mile '09, Que, crossing known as Cap St. Martin, Three Rivers sub.  Ottawa, Ont., Rochester street.  Rivers sub.  Ott., Scond crossing ly miles west.  Niagara Falls, Ont., Scond crossing.  Niagara Falls, Ont., Scond road crossing.  Niagara Falls, Ont., Stone road crossing.  Niagara Falls, Ont., Wipsing street.  Stickney, N. B., crossing one mile north.  Sclater Man., crossing one mile north.  Sclater Man., crossing one mile east.  Rockland, Ont., Paul straken.  Rackland, Ont., Paul straken.  Rackland, Ont., paul straken.  Rackland, Ont., paul east.  Rackland, Ont., paul east.  Rackland, Ont., paul east.  Rackewood, Ont., first crossing one mile east.
Railway	00000000000000000000000000000000000000
Time	1.17 p.m. 8.56 a.m. 9.37 a.m. 9.37 a.m. 1.15 p.m. 4.30 p.m. 1.55 p.m. 1.55 p.m. 1.55 p.m. 1.55 p.m. 1.55 p.m. 1.55 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m. 1.50 p.m.
Date	Dec. 16 Dec. 16 Dec. 14 Dec. 17 Dec. 17 Dec. 17 Dec. 17 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 18 Dec. 1
File	Inv. 9586  " 9587  " 9589  " 9591  " 9591  " 9594  " 9614  " 9614  " 9630  " 9630  " 9630  " 9647  " 9647  " 9647  " 9648  " 9658  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659  " 9659

SESSIONAL PAPER No. 20c	
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1111	11-111
Victoria Harbour, Ont., Lake shore crossing.  Wileox, Sask., first crossing north.  Tranplug Lake, Man., first crossing north.  Stalwart, Sask., first crossing north.  Stalwart, Sask., first crossing north.  Stalwart, Sask., first crossing north.  Regina, Sask., Eighth avenue crossing.  Hamilton, Ont., High street crossing.  Regina, Sask., Seventh avenue rossing.  Regina, Sask., Seventh avenue rossing.  Fort Prances, Out., Victoria avenue.  Beaconsfield, Que., first crossing east.  Fort Prances, Out., Victoria avenue.  Beaconsfield, Que., first crossing east.  Filstoburg. Out., Victoria avenue.  Montreal, Richmond street crossing.  Ericksdule, Man., crossing 4.2 miles north.  Under, Out., Cherry street.  Casselman, Out., Beach road crossing.  Casselman, Out., Brach road crossing.  Casselman, Out., Lirst street crossing.  Casselman, Out., Lirst street crossing.  Casselman, Out., Lirst street crossing.  Calgary, Alta, crossing in Alyth yard.  Lacolle, Que., King Edward Highway, west cnd.  Lacolle, Que., Froin roud crossing.  Calgary, Que., Froin roud crossing.  Calgary, Que., Froin roud crossing, Third east.  Charry, Que., Froin roud crossing, Third east.  Charry, Que., Proint crossing just south of station.  Tragers, Manico, Ont., Hoopers Crossing, Thirdes, Que., Froint crossing just crossing east.  Calgary, Que., Proint crossing just crossing.  Tragers, Manico, Ont., Hoopers Crossing.  Tragers, Que., Proving one mile north.  St., Therese, Que., crossing just crossing.  Frighted Hill, B.C., crossing uset crossing.  Lyton station, first crossing west.  Lyton station, first crossing west.  Authorising, Ont., second crossing west.	Ingersoll, Ont., King street crossing.  Glen Robertson, Ont., crossing two miles east.  Niggara Falls, Ont., Huron street.  Galt, Main street.  Woodstock, Ont., Dundas street crossing.
ದ ದೇವಣಿಗಳು ಅಪ್ಪಡೆಗಳು ಸಂಸ್ಥೆಗಳು ಸಂಸ್ಥೆಗಳು ಸಂಸ್ಥೆಗಳು ಸಂಸ್ಥೆಗಳು ಸಂಸ್ಥೆಗಳು ಸಂಸ್ಥೆಗಳು ಸಂಸ್ಥೆಗಳು ಸಂಸ್ಥೆಗಳು ಸಂಸ್ಥೆಗಳು ಸ	CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR CONTRACTOR
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Illveso	Killed	ediede (1) (a) (a) (foetelle lettell (1) (1) (e) (e)
Highway Crossing Accidents Attended by Fersmal Injury Investigated During the Lear Linears December 31, 1921.—Continued.	PLACE	Calgary, Alta., Fourth street crossing. Fineastle, Alta., crossing two miles east. Blairmore, Alta., first crossing east of station. River Beaudette, Que., first crossing east. Canderdown, Out., first crossing south. Calder Yards, Alta., St. Albert Trail crossing. Francis, Sask., first crossing north of station. Parkbeg, Sask., first crossing north of station. Parkbeg, Sask., first crossing north of station. Parkbeg, Sask., first crossing north of station. Parkbeg, Sask., first crossing north of station. Parkbeg, Sask., first crossing at stop 64. Lorette, Que., crossing at mileage 152. Lorette, Que., crossing at mileage 152. Lorette, Que., crossing at mileage 152. Lorette, Que., crossing at mileage 152. Lorette, Que., crossing at mileage 152. Lorette, Que., crossing at mileage 152. Lorette, Que., crossing at sido feet west. Canledon Dut., Stone Road crossing. Carleton Place, Out., crossing 335 feet north. Fady, Out., second crossing and station. Larettede, Out., thin attrect crossing. Carleton Place, Out., Welland avenue crossing. Litordale, Out., Main street crossing. Litordale, Out., Harrisons crossing two miles south. Alvinicon, Out., first crossing two miles south. Alvinicon, Out., first crossing two miles south. Napierville, Que., crossing # mile north. Napierville, Que., crossing # mile north. Napierville, Out., Fifth avenue crossing. Mt. Demis, Out., Fifth avenue crossing. Braceboridge, Out., second crossing south. Montreal, Que., Econd crossing south.
Highway	Railway	COCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
Showing	Time	1.00 p.m. 2.43 p.m. 10.56 a.m. 3.30 p.m. 5.30 p.m. 5.30 p.m. 5.30 p.m. 5.36 p.m. 5.35 p.m. 5.35 p.m. 5.35 p.m. 5.30 p.m. 7.40 p.m. 7.40 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.55 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m. 9.50 a.m.
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Stratford, Ont., second crossing west of station.  Beausejour, Man., first crossing west of station.  Lamont, Alta., crossing an m. p. 788.  Miegeg 7. 7 Calt stubdivision, Dundas street crossing.  Quebec, Que, St. Valin street crossing.  M.P. 503, Out., McRae's crossing east.  Rede Forest, Que, first crossing east.  Rede Forest, Que, first crossing east.  Rede Forest, Que, first crossing.  Rock Forest, Que, first crossing.  Rock Forest, Que, first crossing.  Courtland, Ont., West street crossing.  Crimsby, Ont., Recond crossing west.  Burlington Beach, Out., Bach Road crossing.  Crimsby, Ont., Royce avenue.  Burlington Beach, Out., Beach Road crossing.  Crimsby, Ont., Royce avenue.  Burlington Beach, Out., Beach Road crossing.  Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing, Crossing
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No. 9.—Statement Showing Highway Crossing Accidents Attended by Personal Injury Investigated During the Year Ending December 31, 1921.—Concluded.

Remarks	Automobile Automobile Pedestrian Automobile Horse and rig Horse and rig Pedestrian Pedestrian Pedestrian Automobile Horse and rig
Killed Injured Protection	Ball Liprotected Liprotected Liprotected Liprotected Liprotected Cates Cates Cates Cates Charce Caprotected Unprotected
Injured	200   20   20   20   20   20   20   20
Killed	1 1 1 1 1 89
PLACE	Alliston, Ont., Victoria street crossing. Shedden, Ont., first crossing west of station. Three Rivers, Que., Plausance street crossing. Walkerville, Ont., Edna street crossing Cavan, Ont., erossing half-mile west Ingersoll St., Ont., Wonbann street crossing. Toronto, Ont., Ransdowne avenue. Toronto, Ont., Royce avenue. Toronto, Ont., Royce avenue. Sequawa, Man., second crossing cast.
Railway	54040400000 84444444444 8444444444
Time	10.45 p.m. 3.40 p.m. 3.40 p.m. 2.50 p.m. 9.10 a.m. 5.45 p.m. 5.45 p.m. 11.06 a.m.
Date	Aug. 9 April 4 Oct. 19 Nov. 22 Dec. 1 Dec. 6 Dec. 15 Dec. 15 Dec. 15
File	10x, 1031N   10x, 1031N   10x, 10x, 10x, 10x, 10x, 10x, 10x, 10x,

LIVEL TO THE MENT Showing Accidents to Employees while Working on or under Engines, Investigated During the Year Ending December 31, 1921.

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Remarks			Fell off engine.	Caught inger between shaker bar and water box.	Labe of engine burst.	Somme bose boses at	Shaking grates	Unger canont hotwoon chalca har and of	Shaking grates	Fell off engine	Nipple blew off squirt, hose	Shaking grates	£1:	Fell off engine.	Foot caught in tender	Digging coal out of grates.	ren on engine	Putting valve in air door miston in wheel	Slipped off water car.	Slipped off running board.	Shaking grates.	Explosion in irrebox	Trossam on ton! Incl.	Piece of coal fall than goal about	Sprinkler hose blew off	Slipped and fell off engine.	njector broke.	Hand went through cal window	Inspirator broke on steam pipe.	History 11-7	Hand counch the struck him	Knee caucht on oder of 1.21	Caught between snort and tell agging	Fell off engine.	Fell off tender.	railing rod broke.	Using wrench, same slipped and struck him
Place		Merrickville, Ont., 100 yards east of							:				Ont	:			James Bav									Soulette, Que.		:	:						Finch. Ont		
Railway	CDD	C.F.R.	Wabash	G.T.R.	22		G.T.K.	(1.1.5. (1.7.15.	C.T.E.	- A		22	G.T.R.	G.T.R.	G.T.R.	C.N.R.	G.T.R.	977	G.T.R.	C.N.B.	C.K.R.	G.T.R.		: A : A : A : A : A : A : A : A : A : A			G.T.R.	G.T.R.	C.P.R.	C.P.R.		S.E.	ニーンと		C.P.R.	C.N.R.	
Date	Dec 24		Dec. 21															20	18	14	೯೩ ಕ	9	<u>۔</u> ۾ ۾	96	1 65	50	9	4	-J: (	D ;	I D	111	06	Jan. 28	00	4	
File	Inv. 9584		9603	0000	2196 .,	9633	9634	7896 "	. 9638	9653	9654	7596 "	8996	0296 ,,	9673	9676	3084 4	., 9703	9714	9750	9722	62/20	07/6	97.50	9767	6926 .,	9772	4774	9703	1,0700	00780	9808	9805	9086 "	8086 ,	6086	

No. 10.—Statement Showing Accidents to Employees while Working on or under Engines, Investigated During the Year Ending

And control of the last	In- jured	
	Kill-	
December 31, 1921.—Continued.	Remarks	Opened blow-off cock and was scalded.  Cylinder head fell on hand.  Coal dropped off trander.  Fell off running board.  Fell off engine.  Water glass burst.  Getting on engine.  Getting on engine.  Getting on engine.  Haking reversing lever out of notch.  Steam chest of rotary plow burst.  Steam plug of lubricator.  Fell from cab of engine.  Filling hot big end with grease.  Filling hot big end with greas
December 31, I	Place	Emerson Jet., Man., Woodstock, Ont., Goneord, Ont., Tagersoll Yard, Ont., Between Adirondack and Caughnawaga, Que., Port Arthur, Ont., Winni eg., Man., Marville, Sask., Blue River Yards., Marville, Sask., Brandon, Man., M. P. 1284, Laggan Sub., Amprior, Ont., Mars., M. P. 1284, Laggan Sub., Amprior, Ont., Mars., M. P. 1284, Laggan Sub., Allandale, Ont., Vermilion, Alta., Comford, Ont., Burlington Jet., Ont., Dolisle, Man., St. Anne, Man., Drumheller shop track, Alta., St. Anne, Man., Drumheller shop track, Alta., St. Anne, Man., Sask., Barookmere, B.C., Burderheim, Alta., Browen Moose Jaw and Antar, Sask., Edson, Alta.
	Railway	Secon Candedecence Coopede Control New Coopede Control New Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coopede Coo
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		Taking water, rope broke causing party to fell	Gas exploded in fire box	Vinder blew out.	Sprinkling coal		Wholed of the burst	Drewing of the or engine		:		:	:	Lump of coal fell off tender	:	Shutting exhaust cock of pump.			One, Howards		While poking fire stringly hand on tonder	:	Explosion in firebox.		Fell off loot board of engine.		:	:	:	Spring hanger broke.	:		Dumping ashpan		Hand jammed in tank box.			Rell off anging	:	:	:
		:	:					:		:		:	:	:	Making repairs to ashpan.					:	:	:					The state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the state of the s	Scalded when injector broke	:			:	:	:	x pox		Fell off boiler.	:		:	:
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No. 10.—Strummer Shawing Accidents to Employees while Working on or under Engines, Investigated During the Year Ending December 31, 1921.—Concluded.

In- jured	
Kill.	1111111111111111111111111
Remarks	Re-railing engine.  Lighting tail lamps  Endeavoring tail lamps  Endeavoring tail lamps  Endeavoring tail lamps  Foll of remaine  Struck by coal clutte  Water glass broke  Hand caught between reversing lever and boiler  Kirebox door closed on hand  Water glass broke  Hand caught between reversing lever and boiler  Slipped from deck of engine  Fell off engine while putting up classiffication lamps  Scruck by squirt hose  Squirt hose barded  Squirt hose barded  Squirt hose blow while dampening coal  Squirt hose blow while dampening coal  Squirt hose blow while dampening coal  Closing door of manhole  Closing door of manhole  Closing door of manhole  Closing door of manhole  Slipped from back step of tender.  Air door flew open.
Plance	Ottawa, Bank Street Yard, Ont. Beachville, Ont. Beachville, Ont. Beachville, Ont. Beachville, Ont. Bostown, Alta Hervey, Jer. Rostown, Sask. North Transcom, Man. Algar water tank, Man. MeVille, Sask. Near Craik, Sask. Assiniboia Yard. Plumas, Man. Shawingen Falls, Que. London Yard, Ort. Liggav vard, Ort. Biggav vard, Ort. Scott, Sask. Scott, Sask. Scott, Sask. Scott, Sask. Scott, Sask. Marchand, Man. Kingston, Ont. Ridgeville, Man. Kingston, Ont. Bretween Brighton and Colborne, Ont.
Railway	######################################
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ANO. 11.—Statement Showing the Number of Highway Crossing Accidents with the Total Number of Killed and Injured by Provinces and Railways for Twelve Months Ending December 31, 1921.

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No. 12.—Statement Showing Highway Crossings at which Protection provided, and Nature of Protection, During Period of Twelve Months Ending December 31, 1921.

Nature of Protection	Removal of tree obstruction.  (attes. Speed limitation of six miles per hour. Speed limitation of ten miles per hour. Gatemen's hours extended to full 24 hours. Two double electric automatic illuminated bells with Ywe was gignal; and all standing cars to be kept back 200 feet from crossing lines.			Two automatic bells and wig-wag signals. Removal of brush. Automatic electric bell, with wig-wag signal. Automatic electric bell, with wig-wag signal. Automatic bell in lieu of 2 watchmen already installed. Widen out cut to limit of right of way and for distance Widen out cut to limit of right of way and for distance Widen of sign boards at each side of crossing. Installation of sign boards at each side of crossing. Removal of trees. Construction of crossing over tracks, installation of a protective "island" on each side of crossing, install two automatic electric bells, with wig-wag signals; two automatic electric bells, with wig-wag signals; erection of standard crossing warning boards on each side of crossing, and removal of trees and shrubs.
Railway	CCTR CCTR CCNR CCNR CCNR	GT.R. M.C.R. GT.R. T. H.& B.	G.R.R. & L.E. & N. C.P.R.	COTR COTR COTR COTR CONR CONR CONR CONR
Location of Crossing	Allanburg, Ont., crossing just north of station  Toronto, Ont., Woodbine avenue  Toronto, Ont., Woodbine avenue  C.P.R.  Fort Saskatchewan, Alta, crossings at Ross and Griesbach sts  Fort Saskatchewan, Alta, crossings at Timm, Lang, Burleigh and C.N.R.  Finna streeds  Hamilton, Ont., Lottridge street.  Cooksville, Ont., Dundas street.	Colborne, Ont., first crossing west. Atvinston, Ont., 2nd crossing west. Sineon, Ont., town line crossing. Thering Cross, Ont., 1st crossing west of station. Twp. Stephenson, Ont., Matchett's crossing. Silvendale, Ont., first crossing east Silvendale, Ont., first crossing east. Selater, Man., first crossing east.	Dathousie Mills, Ont., Orden Nevis crossing Galt, Ont., Concession street.  Crp.R.  Crp.R.  Crp.R.  Crossing between Secs. 8 and 17, twp. 21, range 12, west 2nd meridian, Sask.	Newbury, Ont., Hagerty street crossing  Ericksdale, Man. crossing 4-2 miles north. Hamilton, Ont., Kelly Street. Modfatt, Ont., crossing on Lot 15, con. 2. Woodstocek, Ont., Ingersoll Road crossing. Twp. Allison, Ont., between cons. 4 and 5  Letellier, Man. crossing just south of station. Torrance, Ont., crossing at mileage 111. Twp. of Ancaster, Ont., Hamilton and Ancaster road. Twp. of Nepean crossing on lot 33, con. 1, near Ottawa.
Order No.	30499 30500 30602 30630 30630 30677 30775	30723 30747 30747 30781 30792 30830 30918 30926	30936 30947 31016 31031	31036 31095 31095 31107 31137 31152 31197 31213 31213
File No.	9437 - 1325 9437 - 102 9437 - 105 28786 - 10 28786 - 10 28756 - 10 4552 - 4 9437 - 104	9437.1042 26765.173 27318.5 9437.137 26765.182 12433.2 27802.6 1446.9	26727-66 27318-3 9437-258 27467-15	9437.416 26744.27 26765-178 9437-1036 26765-95 26727-78 26744.4 26711.19 9437-628 31008

SESS	ONAL	PAPER	No.	20c
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	SESSIONAL PAPER N	o. 20c						
	Two automatic electric bells, with wig-wag attachments, to be installed; and railway company to flag all train movements on all side tracks; in addition to keeping all standing cars back from crossing line 300 feet on each side of road, also erect posts the same distance from highway as a prohibition to cars standistance from highway as a prohibition to cars standistance from highway as a prohibition to rear standalsamoratic electric bell and wig-wag.  Automatic electric bell and wig-wag.  Removal of trees and brush.  Removal of trees.  Removal of trees.	Automatic electric bell, with wig-wag signals.  Removal of trees. Adding wig-wag to bell already installed. Advance warning signs installed 300 feet on both sides of crossing.		watchman.  Two automatic electric bells, with wig-wag signals in lieu of mathematic electric bells, with wig-wag signals in lieu of watchman.	Removal of trees and brush.  Removal of trees and brush.  Removal of embankment obstructing view at crossing.  Automatic electric bell, with wig-wag signal in lieu of	Removal of trees and brush also cars to be kept back 200 feet from crossing.  Automatic electric bell, with wig-wag signal in lieu of watchman.	Automatic electric bell, with wig-wag signal in lieu of watchman.  Gates to be operated full 24 hours.  Removal of brush.  Removal of brush.  Removal of board fence obstructing view of crossing.	back 30 feet from east line of street.  Removal of trees.  Removal of trees.  Removal of trees.
1	G.T.R. G.C.T.R. M.C.T.R. R.C.T.R. R.C.R.	C.P.R. G.T.R. G.T.R.	C.P.R. G.T.R. C.P.R. T.H. & B. G.T.R.	C.P.R. & G.T.R P.M.R.	G.T.R. C.P.R. G.T.R.	C.P.R.	kad	
259  Chatham, Ont. Lacroiv etroct	Aurora, Ont., Yonge street. Regina, Sask., Seventh avenue. Campbelliord, Ont., third crossing east. River Beaudette, Que., first crossing east. Shedden, Ont., Lirst crossing west.	Oakville, Ont., Ninth line crossing. Woodstock, Ont., Dundas street crossing. Sturgeon street, Omemee, Ont.	Niagara, Ont., Stop 64. Crossing tasts. Prescott, Ont., third crossing east. Bath, N.B., private crossing just south. Mineral Springs, Ont., 1st Governor's road crossing west. Windsor Mills, Que., Bridge street.	Beaconsfield, Que., crossing just east of station	Victoria Harbour, Ont., Lake Shore crossing.  Rock Forest, Que., first crossing east.  Tavistock, Ont., Hope and Woodstock streets.	Seaforth, Ont., Main street.  Port Credit, Ont., Stave Bank road.	Winnipeg, Man., Selkirk avenue. Edmonton, Alta., St. Albert road. Galt, Ont., Clyde road. Oakville, Ont., Randall street, comer of Chisholm. Clinton, Ont., Victoria street (London road).	Cainsville, Ont., Stone Road crossing.  Welland, Ont., Lincoln street.  Harrowsmith, Ont., crossing 1½ miles west.
31259	31266 31367 31385 31385 31485 31485	31469 31480 31543 31551	31586 31598 31629 31632 31646	31652	31714 31716 31733 31733	31817	31947	
F/1.00/0Z	9437 · 207 27467 · 17 26765 · 19 9437 · 197 11978 9437 · 588	26765 · 200 26727 · 36 26765 · 163 27811 · 20	31305 26765·160 28374 27802·7 9437·361	9437·324 27929·9	26765-189 27156-56 9437-464 27156-55	9437 . 1167	27365-11 28786-11 26727-16 27066-3 26765-136	29887.1 26842.19 26711.24

No. 12.—Statuter Stawing Highway Crossings at which Protection provided, and Nature of Protection, During Period of Twelve Months Ending December 31, 1921.—Concluded.

Nature of Protection	Diversion to connect with Manvers Road. Wig-wag signal. Over-head foot bridge. Closed by diversion. Subway. Diversion (closed).
Railway	CPR GTR TH.&B CPR CPR
Location of Crossing	Pontypool, 2nd public crossing East Peterboro, Ont. Argyle St. Manilton, Out. Argyle St. Merpis, N.B., Mile 18.39, St. John Sub. Meema, Mile 46.98 Thesealow Sub. Ketegere, Mile 5.9, St. John Sub. Ketegere, Mile 6.9, St. John Sub.
No.	30733 31915 31079 31060 31060 31060
No No	26727.48 26765.209 2659.0 9437.1301 29724.2 9437.110.5

No. 13.—Statement Showing the Number of Highway Crossings at which Protection has been Ordered, and the Nature of Protection set out by Provinces, for Twelve Months Ending December 31, 1921.

	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	British Columbia	Alberta	Total
Automatic bell and wig-wag.  Automatic bell in lieu of watchman.  Automatic bell in lieu of watchman.  Automatic bell and wig-wag in lieu of gates.  Automatic bell and wig-wag in lieu of watchman.  Automatic bell and wig-wag, double advance warning signs, protective island, and removal of trees.  Automatic bell and wig-wag, double installation, and view to be kept clear.  Wig-Wag.  Wig-wag added to automatic bell.  Watchman.  Gates.  Gates, hours of operation extended.  Subway.  Removal of view obstructions.  Removal of view obstruction and grading of roadway.  Cars to be kept clear specified distance.  Speed limitation.  Speed limitation and cars to be kept clear specified distance.  Switching movements to be flagged and cars kept clear specified distance.  Overhead foot bridge.		1	3	1	1	1		1	2 2 2 1 3 5 5 1 3 1 2 1 4 2 3 2 1 8 8 1 1 1
Overhead footbridge. Erection of advance warning signs. Trains to stop before crossing. Diveasion (closed).		• • • • •   •		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5	2		8	1 2 1 4 75

No. 14.—Statement Showing Number of Persons Killed and Injured at Public Highway Crossings, Separately, for Each Year for Two Years Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Twelve Months Ending December 31, 1921.

	Ga	tes	В	ell	Wate	hman	Unpro	otected	To	otal
Year  1918 1919 Nine months ending Dec. 31, 1919 1920 1921	K. 6 3 4 6 5 24	1.  15 20 9 14 13 71	K.  9 10 4 6 14 43	1. 12 20  29 27 95	K.	1. 5 7 9 8 8 8 8 37	K.  52 27 36 52 50 217	1. 119 115 138 164 166 702	K. 67 41 48 68 70 294	1. 151 162 163 215 214

No. 15. STATIMENT Showing Number of Highway Crossing Accidents, the Nature of Same for Bach and Every Year Separately for the Two Years Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Twelve Months Ending December 31, 1921.

	Total	410	190	177	777
		114	41	3.4	681
al	0261	116	44	31	161
Total	9 1915 1919 1920 1921	09	26	30	116
	2161	99	29	47	142
	2161	54	20	334	139
	Total	329	191	96	586
q	1921	92	32	20	144
tecte	1920	93	33	12	138
Unprotected	9 1918 mos. 1919	20	25	22	26
	9161	49	28	21	86
	1918	45	43	21	109
	Total	55	17	15	20
	1261	15	9	4	25
Bell	1920	17	~	60	27
B	1918 1919 mos. 1920 1921	10	1	Н	9
	1919	55		9	17
	8161	10	ec.	7	일
	Total 1918 1919 mos. 1920 1921 Total	11	7	13	31
g	1921	471	and	1	1 20
Watchman	0.761	63	7	8	-
Wato	9 mos. 1919		-	00	10
	1919		1	9	1
	11918	60	623	-	-
	Total	15	70	53	200
	1920 1921	60	7	10	15
Gates		41	2	13	19
9	1918 1919 tross.	41	1	4	, 00
	1918	00	-1	17	20
	1913	914		6	11
		Automobile	Horse and rig	Pedestrian	

The total of 777 accidents covers 294 persons killed and 905 persons injured, as referred to in preceding statement.

Year Ending ALMANDERS ALLINEA and Injured by Provinces and Railways for the December 31,

91 Total X. 101411111111 British Columbia ij 100-111111-11 K. 120111111111 Alberta 140111111111 K. Saskatche-wan 1111111110001 1001111111111 К, 1001111111111 Manitoba 10001111111111 K. 11123 42  $\dashv$ Ontario 0.88211111111 K. 30 12 Quebec 0411111111111 New Brunswick 1-11-11-11-1 ij 1111111111111 K. 111-111111111 Nova Scotia 11-111111111 X. Grand Trunk
Canadian Pacific
Canadian National
Dominion Alantic
Essex Terminal
Niagara, St Catharines & Toronto
Michigan Central
Grand River
New York Central Great Northern. Kettle Valley. Toronto, Buffalo & Hamilton. Name of Railway

No. 17.—Statement Showing the Number of Persons Killed and Injured on the Various Railways under the Jurisdiction of the Board from April 1, 1913, until March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Year Ending December 31, 1921.

Year Passengers Employe	es Others	То	tal
K.   I.   K.   1	. K.	I. K.	I.
31 339 249 1 8 239 99 17 140 120 16 280 155 1 22 342 137 1 28 202 117 1 1001ths. 4 274 91 17 379 80 1 4 240 91 1		218 643 310 594 251 337 197 337 239 383 268 333 267 264 277 223 381 254 344 243	2,231 1,899 1,363 1,125 1,693 1,830 1,813 1,502 2,330 1,928
4     240     91       168     2,845     1,442			1,011

SESSIC	NAL PAI	PER No. 20c	21231
r each Year for Two Years Ending March 31, 1919, Nine Months aber 31, 1920, and Twelve Months Ending December 31, 1921.	Total	1, 123 288 288 240 240 207 203 354 445 137 136 255 256 256 272 272 272 272 272 273	5,052
rious E , Nine r 31, 1	Ţ	K. 200 12 12 12 12 13 12 13 13 13 13 13 13 13 13 13 13 13 13 13	1,124
a the Vari 31, 1919, December	1921	1. 159 288 288 288 443 477 477 69 69 69 69 69 69 69 69 69 69 69 69 69	963
cidents on g March 3: Ending D	19	. 2244141   000   \$0144644444	197
Separately for each Year for Two Years Ending March Ending December 31, 1920, and Twelve Months Ending	1920	i. 316 316 636 636 644 644 644 644 644 64	1,307
e Frominent Ac wo Years Ending Twelve Months	19	K. 11. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	219
re Fro Fwo Ye	nths 19	1. 24. 25. 25. 25. 25. 25. 25. 25. 25. 25. 25	910
Separately for each Year for Tv Ending December 31, 1920, and	9 months 1919	X 24-1-12-1-12-12-12-12-12-12-12-12-12-12-12	180
area m tch Yea 31, 19	6	1. 159 159 160 170 170 170 170 170 170 170 17	920
for eg	1919	1.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.	218
parately ling Do	88	1. 242 242 242 242 242 242 242 242 242 24	952
	1918	K. 19 19 19 19 19 19 19 19 19 19 19 19 19	310
Ending December 31, 1919, Twelve Months		erailment.  olision head on.  olision rear end.  olision with cars, open switch,  olision with cars, open switch,  olision with cars, standing foul.  olision with cars standing foul.  olision with cars standing foul.  olision with cars standing foul.  olision with cars standing received.  or cossing protected.  or cossing maprotected.  or cossing maprotected.  or cossing amprotected.  or with counting four cars.  or compliance or cars and buildings.  ling off passenger train.  oling off the of car.  or control or cars.  or control or cars.  or control or cars.  or control or cars.	

20c-14

No. 19.—Statement Showing Number of Cars Inspected Together with Defects for Twelve Months Ending December 31, 1921.

Per cent Defective	2 2 5 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6 6	4.79	Per cent Defective	7.7-78 5.44 5.96 1.1-1.1 11.1-1 13.63 12.50 12.50	
Hand- holds	- 10 4 1- 4000 20010   100H	234	Miscel- laneous	170 60 10 10 10 10 10 10 10 10 10 10 10 10 10	nee
Per cent Defective	11.5.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.93 17.9	14.70	Per cent Defective	1	08.0
Uncoupling	00112 1131 1231 1331 1431 1531 1531 1531 1531 1531 15	717	Teight of Couplers	86.11-1-16.111	44
Per cent Defective	1.451 1.959 1.959 1.55 1.56 1.56 1.44 1.44	1.82	Per cent Defective	13.00 11 11.00 12.7	5.93
Couplers and parts	在下記   いい   1 い   1	89	Steps		290
Crand Total Defects	28.2.1.1 28.2.4.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2	4,883	Per cent Defective	6-68 3-02 5-02 11-11 5-27 2-27	5.20
Per cent Defective	76-4-60 6-4-60 75-7-8-8-8-8-8-8-8-8-8-8-8-8-8-8-8-8-8-8	5.66	Ladders	0 12 10 10 10 10 10 10 10 10 10 10 10 10 10	254
Cars	1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1	4,352	Per cent Defective	26.68. 20.73. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20.08. 20	59.90
Cars	20, 246 20, 246 15, 161 2, 295 246 155 140 100 100 100	76,789	Air Brakes	1. 23.8 67.8 67.8 60.0 60.0 83.2 10.0 11.0	2,925
Name of Railway	Canadian Pacific Grand Trunk Canadian National Grand Trunk Pacific Towato, Hamilton & Buffalo. Michigan Central Dominion Atlantic Great Northern Algona Central Esquinalt & Namainco	E. D. & B. C	Name of Railway	Canadian Pacific Canadian Trunk Canadian National Canadian National Canad Trunk Pacific Torento, Hamilton & Buffalo. Michigan Central Dominion Atlantic Great Northern. Algonat Central Esquimatt & Nantino. E. D. & B. C.	

No. 20.—Statement Showing Defective Safety Appliances on Freight Cars as Reported by the Inspectors for Twelve Months Ending December 31, 1921.

COUPLERS AND PARTS	
Coupler body broken	
	. 5
Knuckle broken	. –
Knuckle worn. Knuckle missing	. 1
Knuckle missing Knuckle pin broken Knuckle pin weng	. 7
Knuckle pin wrong.	. 2
Knuckle pin wrong.  Knuckle pin missing.  Lock block broken	_
Lock block broken  Lock block worn	8
Lock block wrong Lock block wrong Lock block bent Lock block inoperative Lock block missing	54
Lock block wrong	_
Lock block inoperative.	
Lock block missing Lock block key missing	4
Lock block key missing. Lock block trigger missing.	- 1
Total	89
UNCOUPLING MECHANISM	
Uncoupling lever broken	106
Uncoupling lever wrong.	16
Uncoupling lever bent.	45
Uncoupling lever missing.	9 29
Uncoupling lever broken. Uncoupling lever wrong. Uncoupling lever bent. Uncoupling lever incorrectly applied. Uncoupling lever missing. Uncoupling chain broken. Uncoupling chain too long.	417
Uncoupling chain too long. Uncoupling chain too short. Uncoupling chain too short. Uncoupling chain kinked	5
Uncoupling chain kinked	1
Uncoupling chain too short Uncoupling chain kinked Uncoupling chain missing End casting broken End casting wrong End casting bent End casting bent End casting bent	37
End casting wrong	-8
End casting bent	2
and easting incorrectly applied	1
and casting missing.  Keeper broken	3
Keeper wrong	9
Seeper losse	2
Seeper incorrectly applied	7
Geeper missing	13
and casting missing Keeper broken Keeper wrong Keeper bent Keeper loose Keeper incorrectly applied Keeper missing Ingle clip loose	2
Total	717
HANDHOLDS	
andhold broken. andhold bent. andhold loose. andhold incorrectly applied. andhold missing	4
andhold bent	186
andhold incorrectly applied	21
andhold missing	11
Total	234
HEIGHT OF COUPLERS	
Supler too high	1 -
trrier iron loose	39
Total	44

==		
	AIR BRAKES	
1		
	Triple valve defective.	8
	Reservoir defective	
	Cylinder defective.	19
	Cylinder loose Cylinder and triple valve not cleaned with	27
	ylinder and triple valve not cleaned with	in
	date of cleaning	h
	Cut out cock defective	13
Н	Release cock defective. Release cock missing	81
11	Release cock missing.	. 1
H	Release rod broken.	. 199
	Angle cock defective	. 148
	Angle cock missing.  Train nine broken	. 120
11	Train pipe broken	. 4
H	Train pipe loose	157
H	Train pipe loose Train pipe bracket missing Cross-over pipe defeative	. 38
	Cross-over pipe defective.	. 17
	Hose defective. Hose missing	
	Hose missing. Hose gasket missing. Retaining valve defeat	47
	Retaining valve defective Retaining valve missing. Retaining pipe defective Retaining pipe defective	
	Retaining valve missing.	. 3
	Retaining pipe detective	
	Retaining pipe detective. Retaining pipe missing. Brake cut out. Brake cut out, card old. No brake of any kind	. 3
-	Brake cut out, card old	1,399
	No brake of any kind	$\frac{6}{2}$
	Pump missing.	
	Pump missing. Brake rigging defective	201
	Total	
	A VOCALLE AND A STATE OF THE ABOVE AND A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE ABOVE AS A STATE OF THE	2,925
	LADDERS	
	Ladder round broken	19
		141
	Ladder round loose	16
1	Ladder round loose Ladder round missing	7
	Ladder loose Ladder incorrectly applied.	12
		59
	Total	254
	SILL STEPS	
20	sill step broken	8
0	ill step bent	247
9	fill step bent. ill step loose. ill step incorrectly applied	21
3	ill step missing.	4 10
	Total	290
N	Iscella neous—Total	330
	Grand Total	1 882
	_	x,000

No. 21A.—Statement of Defects on Freight Cars Shown Separately for Two Years Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Twelve Months Ending December 31, 1921.

Couplers and parts Uncoupling mechanism Handholds Air brakes Ladders Sill steps Height of couplers Miscellaneous	54 470 158 1,710 97 158 6 214	109 809 152 2,959 142 236 11 342 4,760	71 398 55 1,507 71 179 9	139 657 123 2,318 166 249 21 97	89 717 234 2,925 254 290 44 330	462 3,051 722 11,419 730 1,112 91 1,075

No. 21B.—Statement of Cars Inspected and Defective Shown Separately for Two Years Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, and Twelve Months Ending December 31, 1921.

	1918	1919	Nine months ending Dec. 31st 1919	Twelve months ending Dec. 31st, 1920	1921	Total
Cars inspected	52,224 2,499	77, 261 4, 232	45,781 2,142	66, 108 3, 135	76,789 4,352	318, 253 16, 360
Percentage defective	4.79	5.48	4.67	4.74	5.66	5.10

No. 22. Statement Showing Number of Engines Inspected by Railways, Together with Defects, for Twelve Months Ending December 31, 1921.

-	
Maine Central	
West Pwr.	
K.V.R.	
G.N.R.	
M. & S.	
E.R. A.C.R. M. & S. G.N.R. K.V.R.	
A.E.R.	
P.M.R. G.T.P. A.	
P.M.18.	error er er er er er er er er er er er er er
C.N.R.	-   -
Wahash C.N.R. & B.C.	
M.C.R	
G.T.R.	- 1+−210+ 21 + 91 · サー:至21 · 2
C.P.R.	
Lecementive delects	Ash pans or mechanism  Ash pans or mechanism  Ash pans or mechanism  Ash pans or mechanism  Ash correlects  Boiler shell  Brele equirment  Cabs or eab wirdows  Caps or eab wirdows  Cop parons or decks  Coupling or uncoupling devices  Coupling or uncoupling devices  Cop piston rods  Corssheads, guides, pistons  or piston rods  Cylinders, saddles or steam  Griders and conce caps  Cylinders or done caps  Cylinders or done caps  Energy and leaves  Draw gear  Para para saddles or steam  Colors or done caps  Colors or done caps  Colors or done caps  Colors or done caps  Colors or gauge  I me les steats  Energe cocks  Colors or gauge fittings, air.  Colors or gauge of things, air.  Colors or gauge of things, air.  Colors or gauge of things, air.  Colors or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or gauge or
1	그에게 다른 이 시민 이 지원 이 시간 시간 시간 시간 시간 시간 시간 시간 시간 시간 시간 시간 시간

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	35. Lights, headlights	36. Lubricator or shields		of all defines		39. Packing, piston rod and velve	Stom	An Dilete and the transfer of	40. Filots or pilot beams	41. Flugs or studs	49 Revenue mense		43. Rods, main or side orank	nine or collisse	brue of Colleges	44. Velety Velves	45 Simplime		lorer	A. A. 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No. 22. Statement Showing Number of Engines Inspected, by Railways, Together with Defects, for Twelve Months Ending December 31, 1921.—Concluded.

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	39. Packing, piston rod and valve stem 40. Pilots or pilot beams.	3. Rods, main or side, crank pins or collars.	<ul><li>44. Naledy valves.</li><li>45. Nanders.</li><li>46. Nprings or spring rigging.</li></ul>	S. Staybolts.  S. Staybolts.  Staybolts broken	O. Steam pipes. C. Steam valves	Tanks or tank valves. Telltale holes	. Throttle or throttle rigging . Trucks, engine or trailing . Trucks, tender	58. Valve motion. 59. Washout plugs.	<ol> <li>Water bar or combustion flues.</li> <li>Waterglass, fittings or shields.</li> </ol>	Insertlanceus, signal appliances, backer plates, brake (hand)	Number of defects	Locomotives inspected Locomotives defective Percentage inspected, found defective.
				4.4				सर सर ६	:	2 0		H

### APPENDIX "E"

REPORT OF THE CHIEF FIRE INSPECTOR OF THE BOARD FOR THE TWELVE MONTHS ENDING DECEMBER 31, 1921.

Mr. A. D. CARTWRIGHT,

Secretary, Board of Railway Commissioners, Ottawa.

Sir,—I have the honour to submit for the seventeenth annual report of the Board, the annual report of the Fire Inspection Department for year ending December 31, 1921.

### ORGANIZATION

As in previous years, co-operation has been maintained with the several Dominion and provincial forest protective organizations, under which certain officials and employees of such organizations have been designated as local inspectors for the Fire Inspection Department.

## RAILWAY FIRE PATROLS

There is a distinct tendency toward placing more and more reliance upon the section forces and other regular employees of the railway, in connection with the maintenance of patrols, including the reporting and extinguishing of fires. Progress in this direction has been made on a number of railways, including particularly the Canadian Pacific Eastern and Western lines, where special patrol by section forces has now become the standard requirement, subject to certain stated stipulations calculated to ensure efficient service.

This method of handling special patrols is not, however, adapted to railway lines where the right of way is not, generally speaking, in good condition, or where section crews are so depleted that they can not be expected to be able to spare the time required for this duty. Close supervision is also required where special patrols are to be maintained by section forces, to ensure that the service will actually be performed. Where the work is properly done, however, excellent results are secured, although very possibly at a higher cost than where special men are provided for patrol service. On the other hand, more efficient protection may be secured through placing the responsibility upon the regular organization of the railway company.

### FIRE STATISTICS

A grand total of 1,505 fires from all causes were reported as having originated within 300 feet of railway lines in forested territory, along railways subject to the jurisdiction of the Board, as follows:—

Provinces	Number of Fires	Per cent of Total
British Columbia		35.2 22.9
Prairie Provinces	301	20.0
Quebec		14.0 2.1
Nova Scotia		5.8
Totals	4 505	100.0
	-	

Of this grand total 641, or 42.6 per cent, are class A fires, covering less than onefourth acre each, and doing no damage, while 864, or 57.4 per cent, are class B fires, which burned over 101,616 acres and destroyed forest growth, and forest products valued at \$138,878, and other property valued at \$23,737, a total of \$162,615.

Of the grand total, 1,160 fires, or 77.1 per cent, were definitely attributed to railway agencies; 101 fires, or 6.7 per cent, to known causes other than railways; and

244 fires, or 16.2 per cent, to unknown causes.

Of the total area of 101,616 acres burned over, 73.3 per cent is chargeable to railway causes, 17.8 per cent to known causes other than railways, and 8.9 per cent to unknown causes.

Of the total estimated damage, amounting to \$162,615, the railways are definitely charged with 39.3 per cent, 42.5 per cent is due to known causes other than railways, and 18.2 per cent to unknown causes.

Of the 1,160 fires which the railways are definitely charged with having caused 1,093, or 72.6 per cent of the grand total, are attributed to sparks from locomotive stacks and fire escaping from ashpans of locomotives, and 67 fires, or 4.5 per cent of

the grand total, to employees.

The number of fires set by locomotive sparks still continues high, particularly on Canadian National Western Lines. This may in part still be attributed to the partial use as locomotive fuel, particularly in northern Alberta, of sub-bituminous noncoking coal with standard front-end fire-protective appliances. Experience here and elsewhere shows that where this class of coal is to be used as locomotive fuel, special spark-arresting devices are essential, in the public interest, as well as in that of the railways.

SLYMARY of Reports on Pires in Forest Sections originating within 300 feet of Track on Railway Lines subject to the Jurisdiction of the Board of Railway Commissioners for Canada, Season of 1921.

7	Totals		5534	60 541 619	1,160	17, 281 11, 009 23, 961 22, 214	74,465	\$ 30,111 18,173 1,214 14,341	\$ 63,839	242 812 113
	Miscel- laneous (e)		15	15	35	3,326 110 340 217	3,993	\$18,400 675	\$19,815	
	Algorna Central and Hudson Bay		gued .			25 25 100	150	\$ 15	\$ 45	-
	Edmon- ton Dunvegan and British Columbia		C1 rO	61 70	7	20.50	24	89	4	₩ co
	Great		24	22.	49	599 42 1,436 2,548	4,625	\$ 2,918 29 3,251	\$ 6,198	
	Grand Trunk		701-	-1200	13	10	523	346	\$ 346	
	Canadian National (Eastern Lines) (c)		75	177 76 88	164	9, 667 10, 633 18, 926 10, 659	49,885	\$ 6,067 15,857 2,934	\$ 24,858	172.6
	Canadian Canadia National Nationa (Western Eastern Lines) (c) Lines) (d)		237 195	21 240 216	456	284 50 1,467 3,816	5,617	\$ 674 263 1,075 1,899	\$ 3,911	ω ⊢ 4i
nay con	Canadia Pacific (Eastern Lines) (b		41	9 41 124	165	3,336 117 860 3,635	7,948	\$ 1,958 1,162 1,162 5,080	\$ 8,219	HO 00
T OT TAGE	('anadian Pacific (Western Lines) (a)		135	138	270	32 32 299 1,337	1,700	\$ 75 157 120 91	\$ 443	1 40
MOH OF MIC DOMIN OF ANALYS AS		A. RAILWAY FIRES	m,	(b) Employees, Class A lires. Employees, Class B fires. (c) Total of Class B fires. Total of Class B fires.	Total of all railway fires	2. Areas burned (Acres)— (a) Young forest growth (b) Tim bur land (c) Slashing or old burn (d) Other classes of land	(c) Total	3. Value of property destroyed—  Young forest growth  Standing timber  Co. Franch products  Co. Control property	(e) Total	B. Known Causes other than railway Fires  1. Number by Causes— (a) Campers and travellers, Class A fires. Campers and travellers, Class B fires. (b) Settlers, Class A fires. Settlers, Class B fires.

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		ದ್ದು	18,061	\$ 1,052	61,917	\$69,093	the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the same of the sa	76	244	1,943 2,753 2,935	9,090	\$ 1,582 1,531 21,423	\$ 29,683
	2 00	2,322	2,820	808	1,185	\$ 3,091		11	13	80	3 25	\$ 70	35
			4 10			\$ 15		14	16	1,586 2,740 2,505 869	7,700	\$ 790	\$ 2,610
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111 110	21	2,000 10,081 6	12,091	\$ 1,500	2,000	5	CC	25	43	1 4 70	09	\$	\$21,238
(c) Other known causes, Class A fires. Other known causes, Class B fires. (d) Total of Class A fires. Total of Class B fires.	Lotal of all known causes	2. Areas burned (Acres)— (a) Young forest growth. (b) Timber land. (c) Slashing or old burn. (d) Other classes of land.	(e) Total	3. Value of property destroyed— (a) Young forest growth. (b) Standing timber. (d) Other proposity.	(e) Total		1. Number—  1. Number—  (A) Total of Class A fires.	(c) Total of all unknown free:	6	(a) Young forest growth (b) Timber land (c) Slashing or old burn (d) Other classes of land	77	(a) Young forest growth. (b) Standing timber. (c) Forest products. (d) Other property.	(e) Total.

SUMMEN of Reports on Fires in Forest Sections originating within 300 feet of Track on Railway Lines subject to the Jurisdiction of the Board of Railway Commissioners for Canada, Season of 1921.—Concluded.

D. GRAND TOTALS FOR ALL CAUSES  1. Number-			('anau Natu (West Lines)	('anadiam National (Eastern Lines) (c) (d)	Grand	Great Northern		Algoma Central and Hudson Bay	Miseel-laneous (e)	Totals 641
(b) Total of all Class A lires (b) Total of all fres reported (c) Total of all fres reported	- Fgg	212	245	245	8 8 15	25	8 115	16	34	1,505
2. Aras bannal Acres) (a) Young forest growth (b) Timber land (c) Sharhing or old hum (f) Other classes of land	2,033 10,384 1,398	3,596 126 1,276 4,330	288 50 50 4,748 4,378	9,830 10,637 19,861 10,764	10 513	599 42 1,436 2,548	200. 20 8 8	1,611 2,766 2,605 873	5,656 310 620 262	21,628 15,964 39,463 24,561
O Total	13,851	9,328	7,464	51,092	523	4,625	30	7,855	6,848	101,616
3. Value of property destroyed—  (a) Young forest growth.  (b) Standing fin ber  o) Ferest product	\$ 76 1,657 21,337 2,112	\$ 2,366 1,212 219 7,164	\$ 674 62,254 2,254 2,218	\$ 6,624 15,918 6,030	352	\$ 2,918 29 3,501	₩H	805 1,465 400	\$19, 278 1, 035 738 1, 960	\$ 32,745 21,579 84,554 23,737
(c) Total	\$25, 182	\$10,961	\$64,669	\$28,578	\$ 352	\$ 6,448	4	\$ 2,670	\$23,011	\$162,615

Excludes Canadian Government Railways (Transcontinental, Intercolonial (a) Includes Esquimalt and Nanaimo and Kettle Valley Railways.

(b) Includes Dominion Adantic, Fredericton and Grand Lake Coal and Railway. New Brunswick Coal and Railways (Pranscontinental, Includes Canadian Government Railways (Transcontinental, Includes Canadian National Railways (Transcontinental, Includes Canadian National Railways).

Algonia Eastern; Atlantic, Quebee and Western; (d) Includes Halifax and South Western Railway. (c) Includes following lines:

and Hudson Bay Railways.)

Boston and Maine; Cumberland Railway and Coal Company; Maritime Coal Nore: No fires were reported during 1921 as originating within 300 feet of track along the following lines: Ottawa and New York; Quebec, Montreal and Southern; Railway and Power Company: Maine Central; Quebec Oriental; Temiscouata.

Western Power Company of Canada; White Pass and Yukon Route.

Class A fires are those which cover an area of less than one-fourth acre. Class B fires are those which cover an area of one-fourth acre or more.

### FIRE GUARD STATISTICS

The statistical fireguard report for 1921 shows 14,784.21 track miles of railway lines in the Prairie Provinces subject to the fireguard requirements, an increase of 473.61 miles over 1920. This is equivalent to 29,568.42 fireguard miles, since fireguards are required to be maintained on both sides of the track.

The report indicates that 10,270.51 miles of fireguards were constructed or maintained during the past year, and 19,297.91 miles were, for various reasons, not constructed. Of this, there were exempted by this department, 8,990.74 miles; owner of land refused to allow construction, 144.15 miles; land already ploughed, 2,842.07 miles; grain stubble and cultivated hay lands not fireguarded by owner, 5,583.29 miles. Thus, as to a total of 17,560 25 miles of fireguards not constructed, the reasons assigned by the companies were considered acceptable, leaving 1,737.66 miles unaccounted for, but which presumably should have been fireguarded.

SUMMARY of Firguard Construction and Maintenance by Railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1921.

	Edmonton, Dunvegan and British Columbia and Central Canada		Canadian National	Canadian Pacific	Totals
Length in track miles.  Length in fireguard miles!  Fire guards constructed (shown in fireguard miles)—  Grain stubble lands Fireguarded Cultivated hay lands by owner.  Fenced grazing lands.  Total miles of fire-guards constructed.	455·30 910·60 30·70 4·50 0·50	162·38 324·76 200·50 40·00 49·00 1·50 291·00	7,762·60 15,525·20 1,438·05 229·80 1,023·58 1,266·75 3,958·18	6,403 93 12,807-86 2,081-05 150-55 2,043-33 1,710 70 5,985 63	14, 784 · 21 29, 568 · 42 3, 750 · 30 424 · 85 3, 116 · 41 2, 978 · 95 10, 270 · 51
Fire-guards not constructed (shown in fire-guard miles)— Exemptions <sup>2</sup> Owner refuses to allow construction <sup>3</sup> Unnecessary; land already plowed <sup>4</sup> Grain stubble lands Not fireguarded Cultivated hay lands by owner <sup>5</sup> Miscellaneous other reasons Total miles of fire-guards not constructed	6.00 56.50 7.40 26.30 874.90	30·00 3·76 33·76	5,615·04 27·50 1,460·78 3,203·67 380·37 879·66 11,567·02	2,567·00 116·65 1,375·29 1,779·75 155·60 827·94 6,822·23	$\begin{array}{c} 8,990\cdot 74\\ 144\cdot 15\\ 2,842\cdot 07\\ 5,039\cdot 92\\ 543\cdot 37\\ 1,737\cdot 66\\ 19,297\cdot 91\end{array}$

<sup>&</sup>lt;sup>1</sup> Fire-guard mileage is double the track mileage, since the construction of fire-guards is required on both sides of the track.

<sup>2</sup> Company exempted from fire-guard construction, as to portions of line where showing made that such construction is unneccessary or impracticable. <sup>3</sup> Employees of railway company refused permission, by owner, to enter upon land for purpose of

constructing fire-guards.

### FIRE-PROTECTIVE APPLIANCES ON LOCOMOTIVES

During the fire season, 2,861 inspections of fire protective appliances on locomotives, operating through forested territory, were made by officers of the Fire Inspection Department. Of this total, the fire-protective appliances of 291 locomotives, or 10.2 per cent, were found to be in a defective condition.

Fire-guarding unneccessary, because fields already plowed.
 Fire-guarding in grain stubble and in cultivated hay lands required only where the land owner or occupant will undertake to plow guard at the reasonable price specified by the Board, to be paid by the railway cempany.

Inspections of Locomotive Fire-Protective Appliances, 1921. By Fire Inspection Department

Railway	Province	Number Inspected	Number Defective	
Canadian Pacific, including Quebec Central and Esquimalt and Nanaimo.	New Brunswick Quebee. Ontario Prairie Provinces. British Columbia	58 186 720 2 259	28 5 57 0 19	48·3 2·7 7·9 0·0 7·3
Canadian National Railways	Quebec	80 508 231 241 1,060	3 55 49 17	3·7 10·8 21·2 7·0
Grand Trunk Railway Total	'Quebec  Ontario	29 247 276	7	2.8
A.Q. & W. and Q.O. A.C. & H.B. A. E. G. N. R. K. V. R. E.D. & B.C. Temiscouata Maine Central Q.M. & S. B. & M. W.C.P. Co. W.P. & Y. R.	Quebec. Ontario. Ontario. British Columbia. British Columbia. Alberta. Quebec. Quebec. Quebec. Quebec. British Columbia.	16 34 28 65 51 33 14 2 27 5 8	2 7 6 7 15 7 2 1 1 1 1	12·5 20·6 21·6 10·7 29·4 21·2 14·3 50·0 3·7 20·0 25·0
Total all railways		2,861	291	10.2

### OIL FUEL

Oil as locomotive fuel was used exclusively on 793 miles of track during the past year, distributed as follows: Canadian National Railways (Grand Trunk Pacific Railway), between Prince George and Prince Rupert, 468 miles; Canadian Pacific Railway, British Columbia District, between Field and Revelstoke, 126 miles; Esquimalt and Nanaimo Railway, 199 miles.

On the Canadian Pacific Railway between Revelstoke and Kamloops, 129 miles,

oil fuel was used only on locomotives in passenger service.

The use of oil was totally discontinued on 322 miles of track distributed as follows: all Great Northern Railway lines in Southern British Columbia; Canadian Pacific Railway lines between North Bend and Vancouver, and on the Arrow Lake and Okanagan subdivisions.

Respectfully submitted,

CLYDE LEAVITT,

Chief Fire Inspector, B.R.C.

## APPENDIX "F"

# THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

## RECORD ROOM

List of cases appealed to the Supreme Court of Canada, from February 1, 1904, to December 31, 1921.

File No.	Subject	Decision
C. 1309 689 1497 9527 C. 1419 C. 3322 C. 4897 C. 4492 C. 3378 C. 2545 13079 C. 3269 1519 12682 17963 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269 C. 3269	jurisdiction.  Essex Terminal Railway and W. E. & L.S. R. R. crossing in the Township of Sandwich, Ont. Question of law.  Robinson vs. G.T. R., two-cent rate. Question of law.  C.P. R. vs. G.T. R. re branch line at London, Ont. Question of jurisdiction.  Montreal Street Railway, re rates, Mount Royal Ward. Question of jurisdiction.  Montreal Street Railway, re rates, Mount Royal Ward. Question of jurisdiction.  Montreal Street Railway, re rates, Mount Royal Ward. Question of jurisdiction.  Montreal Street Railway, re rates, Mount Royal Ward. Question of jurisdiction.  Montreal Street Railway, re rates, Mount Royal Ward. Question of jurisdiction.  Montreal Street Railway, re rates, Mount Royal Ward. Question of jurisdiction.  Re Fencing and cattle guards, Order 7473. Appeal of C.N.R. upon question of jurisdiction.  City of Toronto vs. G.T.R. and C.P.R., re commutation rates. Question of law Question of jurisdiction.  G.T.R. and C.N.O.R., re spur in Township of Scarboro, Ont. Question of jurisdiction.  J.T.R. vs. British American Oil Cos., re oil rates. Question of law.  J.T.P.R. vs. City of Fort William, Ont., re location. Question of jurisdiction.  N. St. C. & T. Railway vs. Davy. Question of jurisdiction.  N. St. C. & T. Railway vs. Davy. Question of jurisdiction.  Bar Sand and Gravel Co. Question of jurisdiction.  L. P.R. vs. A. E. Purcell of Saskatoon, Sask. Question of jurisdiction.  C. P.R. vs. British American Oil Companies. Question of jurisdiction.  C. P.R. vs. British American Oil Companies. Question of jurisdiction.	Allowed Dismissed
20062 E 1487 F 18578 C 19435 G 14329 9 M 23009 C 21428 G	C. Electric Railway, V.V. & E. Railway vs. City of Vancouver, B.C. Question of jurisdiction.  B. Chambers and W. B. G. Phair vs. C.P.R. Question of jurisdiction.  B. Chambers and W. B. G. Phair vs. C.P.R. Question of jurisdiction.  A. R. vs. Wm. A. Taylor. Question of jurisdiction.  C.T.R. vs. City of Edmonton. Question of law.  Jontreal Transmays and M.P. & I. Railway vs. Lachine, Jacques Cartier and Maisonneuve Railway. Jurisdiction.  Alty of Hamilton vs. T. H. & B. Railway. Question of jurisdiction.  T. R. vs. Hepworth Silica Pressed Brick Co. Question of law.  Doronto Railway Co. and City of Toronto vs. C.P. R. Question of law and	Dismissed Dismissed Blowed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed
	643 1455 1492 383 1621 588 C. 1680 C. 1309 689 1497 9527 C. 1419 C. 3322 C. 4897 C. 2545 13079 C. 3269 1519 C. 3269 1519 C. 3269 15330 120062 B 1487 19435 G 14329-9 M 23009 C 21428 G 12021-70 T	Montreal Terminal Railway vs. Montreal Street Railway, Pius IX Ave., upon question of jurisdiction.  James Bay Railway vs. G.T.R., undercrossing at a point near Beaverton, Ont., Lot 13, Con. 7, Tp. of Thorah.  James Bay Railway vs. G.T.R., crossing Belt Line spur. Question of law.  Ottawa Electric Railway and City of Ottawa ex. Canada Atlantic Railway. re Bank St. subway, Ottawa. Question of law.  Toronto Railway Co., against Order 7813, July 3rd, 1999, re high level bridge over Don Improvement and tracks of G.T.R. and C.P.R., Re Toronto Union Station. A. R. Williams expropriation. Question of jurisdiction.  Sandwich, Ont. Question of law.  C. 1309  689  C. 1490  C. 1491  C. 1492  C. 1492  C. 1494  C. 1494  C. 1494  C. 1494  C. 2492  C. 2495  C. 2495  C. 2496  C. 2595  C. 2696  C. 2696  C. 2696  C. 2696  C. 2697  C. 2699  C. 2796  C. 2796  C. 2796  C. 2796  C. 2797  C. 2797  C. 2798  C. 2797  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 2798  C. 279

List of cases appealed to the Supreme Court of Canada, etc.—Concluded.

File No.	Subject	Decision
16171 27524 13622 27840 26981 11118 28439 28950 C. 3378 C. 2987	City of Fdmonton 18. F. D. & B.C. Railway. Question of law Insersoil Telephone Co., and other 18. Bell Telephone Co. Question of law G.T.R. 18. H. Bourassa of Laprairie, Que. Question of law and jurisdiction G.N.W. Telegraph Co. submits for opinion of Court a question of law in- volved in matter of General Order No. 162. Government of Manitoba and J. H. Ashdown Hardware Co., 7e 15 per cent increase in freight rates. Question of jurisdiction. C.P.R. 18. Department of Public Works for Ontario, 7e crossing in Town- ship of Kirkpatrick. Question of law. Lsquimalt and Nanaimo Railway 7e rights of City of Victoria to have access over bridge at Victoria Harbour. Question of jurisdiction Municipality of Burnaby, B.C., 18. British Columbia Electric Railway, 7e commutation rates. Question of jurisdiction City of Toronto 2s. Toronto Terminal Railway 7e pressure pipes under Bay, Scott, and Yonge streets, Toronto. Question of law. Application of Mr. Wegenast for a stated case in 7e Brampton commutation rates. Question of law. Ottawa Electric Railway, against Order of Board disallowing proposed increase in passenger rates. Question of jurisdiction Board submits stated case for the opinion of the Court on question of jurisdiction in the matter of British Columbia Electric Railway Company's application for increased rates.	Withdrawn Abandoned Abandoned Withdrawn Abandoned Abandoned Dismissed Dismissed Allowed

### SUMMARY

Dismissed.											 		 	 		 	2	28
Dismissed.		 	 	 	 	 ٠.	 		 					 	 	 		9
Allowed		 	 	 	 	 	 		 									5
Abandoned		 	 	 	 	 		 	 	, ,	 		 	 				3
Withdrawn		 	 	 	 	 		 	 			er o	 					
																	4	45
	Total	 	 	 	 	 	 	 	 		 . ,				 	 		20

List of Appeals to the Governor in Council, February 1, 1904, to December 31, 1921.

File No.	Subject	Decision
399	Bay of Quinta Pail	
1455	James Bay Reilmay Cossing C.P.R., at Tweed, Ont	Diam'r
1781		
12992	G.T.R. vs. City of Chatham, Ont. Street crossings.  Maniwaki Branch of C.P.R., train service from Ottawa	Dismissed
2030	Maniwaki Branch of C. P. R., train service from Ottawa  C. P. R. J. Lorgerian Yukon railways.	Referred book
17716	C.P.R.—Longue Pointe Spur through Town of Mai	Dismissed
18787 3452 · 30	Re tariffs of certain Yukon railways.  C.P.R.—Longue Pointe Spur through Town of Maisonneuve, Que.  J.Y. Boghester C. G.T.P.R.  L.Y. Boghester C. S. G.T.P.R.	Dismissed
12912	South Hazelton Townsite rs. G.T.P.R.  J. Y. Rochester re Cameron Bay rs. G.T.P.R.	Allowed
17040		
C. 3322	Toronto Violento Grand C.P.R.	Dismissed
12021 - 70	City of Toronto was News I. m.	Abandoned
16177		
19024		
7716 - 10		
22681 · 25		Dismissed
21418	Wontreel One Streets	
21410	City of Prince George, B.C., re location of G.T.P.R. station between Oak	Abandoned
21660	and Ash Streets	D
26169	C.F.A. and C.N.R. Common	Diamiana
	Markot Monte1	Dismissed
17040	C.P. R. re Lambton to Want of	Abandoned
27693	City of Hamilton as ( T )	Referred back
	Branch, between Hamilton and D. W.	
27840	Ont	
28439.3	Winnipeg Board of Trade re 15 per cent increase in rates.  Town of St. Lambert, Que., re increase in rates on the Management of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control o	Abandoned
-0100 0	Counties Reilmore	Dismissed
28230	City of Hamilton Ont and Winner W. I. T.	Dismissed
29040 - 2	Wallona Dairy Council of Co. 1	Roformad ka-1-
055	Cream Wanutacturous 1- 'C Canadian Association of Ice	
. 955 30434	Proprietors' League of Montreal, re increase in Bell Telephone rates.  City of Windsor, Ont., for order rescinding Order of Board No. 2000.	Referred back
00101	City of Windsor, Ont., for order rescinding Order of Board No. 30028 authorizing C.P.R. to construct tracks of proposed for ideal No. 30028 authorized	Dismissed
	unopened portion of C	
29996	City of Toronto against Ganaral Onday No.	Dismissed
0 000	in freight rates	
C. 955	Lity of Coronto occinet 7 1	Referred back
3092 - 2	for increase in Bell Telephone rates.  C.N.Q. Railway Company, against Order No. 31212 as a second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second of the second o	17 7
0032.7	C.N.Q. Railway Company, against Order No. 31312 re crossing Pointe aux	Abandoned
	Trembles Terminal Railway at Pointe aux Trembles, Que	Pending
		chaing

## SUMMARY

Dismissed		
Referred back	***************************************	 17
A bandoned		 
Withdrawn.		 
Allowed		 
Pending		 1
Total		
		 30

## APPENDIX "G"

LIST OF GENERAL ORDERS AND CIRCULARS OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1921

## GENERAL ORDER No. 326

In the matter of the rate of exchange in connection with shipments of freight between points in Canada and points in the United States.

File Nos. 29674.1-2

Upon the matter being brought to the attention of the various railway companies and the Railway Association of Canada at the sittings of the Board held in Ottawa. December 14, 1920; and upon conferences subsequently held between the Board and representatives of the railway companies, boards of trade, and trade organizations,—

The Board Orders: That the railway companies subject to its jurisdiction be, and they are hereby, permitted to publish and file tariffs, effective January 22, 1921 showing, inter alia, the following, namely:—

"EXCHANGE SURCHARGE ON INTERNATIONAL SHIPMENTS, OTHER THAN COAL AM COKE, TO BE ADDED TO THE TOTAL THROUGH CHARGES, INCLUDING ADVANCED CHARGE PAYABLE TO UNITED STATES CARRIERS, WHEN PAYABLE AND COLLECTED IN CANADA.

"1. A surcharge of sixty per cent of the rate of exchange, arrived at i accordance with the provisions of this tariff, will be added to the total throug charges, including advanced charges payable to United States carrier on all shipments between Canada and the United States, in both direction when such charges are payable and collected in Canada. When all charges at paid at United States points in United States funds, this surcharge will no be added.

"2. On shipments from Canada, the surcharge must be collected at the rate governing on the date of the bill of lading; and on shipments to Canada, the rate governing on the date of advice note of arrival at the Canadia destination. Such surcharge will accrue entirely to the Canadian carrier.

"3. Telegraphic advice will be sent to railway agents in Canada on the laday of each month, specifying the surcharge to be collected from the first to t fourteenth (inclusive) of the following month; and on the fourteenth day each month, specifying the surcharge to be collected from the fifteenth to t last day (inclusive) of such month. Agents must file such telegraphic advi with this tariff. The surcharge must be shown as a separate item on all bi of lading and waybills for outbound shipments and on all freight expense bi

"Exception.—This tariff does not apply to export and import traffic from the points of origin or destination in the United States via Canadian polon which all charges must be collected in United States currency or

equivalent.

"Note.—In arriving at the surcharge, the rate of exchange quoted New York funds by the Bank of Montreal at noon in Montreal on the last of each month will govern from the first to the fourteenth (inclusive) of following month; similarly, such quotation at noon on the fourteenth will gove

from the fifteenth to the last day (inclusive) of such month. Should the governing date fall on a Sunday or Canadian or United States legal holiday, the noon quotation of the preceding day will govern.

"In determining the surcharge, fractions less than one-half will be dis-

regarded and fractions of one-half or over will be counted as one per cent.

"The rate of exchange quoted for New York funds by the Bank of Montreal at noon, in Montreal, on the 21st January, will govern from the 22nd to the 31st, inclusive."

And the Board further Orders: That, until otherwise ordered, the companies make monthly returns to the Board showing the amount of surcharges collected.

F. B. CARVELL,

Chief Commissioner.

OTTAWA, January 14, 1921.

## GENERAL ORDER No. 327

In the matter of the application of the Express Traffic Association of Canada, on behalf of the express companies subject to the jurisdiction of the Board, for an increase of forty per cent in the tolls at present in effect.

File No. 30380

Upon hearing the application at the sittings of the Board held in Toronto, Saskatoon, Edmonton, Prince Rupert, Victoria, Vancouver, Vernon, Nelson, Medicine Hat, Calgary, Regina, Winnipeg, Fort William, Moncton, Halifax, St. John, Montreal, and Ottawa on September 2 and 30, October 1, 6, 11, 13, 14, 18, 20, 22, 23, 26, and 27, November 15, 16, 18, and 19, and December 1 and 13, 1920, in the presence of counsel for and representatives of the Express Companies, the Express Traffic Association of Canada, the cities of Montreal and Toronto, Boards of Trade of Toronto, Saskatoon, Edmonton, Vancouver, Nelson, Calgary, Fort William, Sault Ste. Marie, Montreal, and Halifax, the Montreal Chamber of Commerce, Department of Agriculture for the Dominion Government, Department of Agriculture for Nova Scotia, Canadian Manufacturers' Association, Canadian Fisheries Association, Fisheries and Produce Association, British Columbia Fisheries, National Dairy Council, Canadian Creamery Association, Canadian Produce Association, United Farmers of Ontario, United Farmers of Alberta, United Fruit Growers, Niagara Fruit Growers, shippers of produce from Prince Edward Island and certain other shippers of fresh fish, Church & Company, Saskatoon Bread Company, Saskatoon Pure Milk Company, Modern Steam Laundry of Saskatoon, Saskatchewan Dairymen's Association, Alberta Dairy Association, Ogilvie Flour Mills Company, Alberta Box Company, Vernon Fruit Company, Calgary Brewing & Malting Company and Stock Growers' Protective Association, and what was alleged, and upon reading the written submissions filed, judgment, dated February 2, 1921, was delivered by the Chief Commissioner and concurred in by the other nembers of the Board who heard the application, a certified copy of the said judgment being attached hereto marked "A",-

The Board Orders: That the changes in the tariffs of the express companies subject to the jurisdiction of the Board, as set forth in the judgment, which is hereby nade part of this Order, be, and they are hereby, authorized.

F. B. CARVELL,

Chief Commissioner.

TTAWA, February 2, 1921.

### GENERAL ORDER No. 328

In the matter of the question of the coal supply in Canada, and the General Order of the Board No. 301, dated July 22, 1920, prohibiting the exportation of coal from the Atlantic, St. Lawrence River and Gulf ports of Canada, except to the United States or to Newfoundland, unless otherwise permitted by the Board, as amended by General Order No. 312, dated September 24, 1920.

File No. 30331.51

Upon its appearing to the Board that there is not now a real or apprehended searcity of coal rendering a continuance of the said orders necessary or advisable for the purpose of providing adequate coal supplies within Canada; and in pursuance of the powers conferred by the Act of the Parliament of Canada, chapter 66, 1920,—

The Board Therefore Orders: That the said General Orders Nos. 301 and 312, dated respectively July 22, 1920, and September 24, 1920, be, and they are hereby, reseinded.

F. B. CARVELL,

Chief Commissioner.

OTTAWA, February 12, 1921.

### GENERAL ORDER No. 329

In the matter of the consideration of the question of authorizing the use of the Hart type of wooden packing for frogs, wing rails, guard rails, and switches, under the provisions of Section 282, of the Railway Act. 1919, on railways subject to the jurisdiction of the Board.

File No. 29343.1

Upon hearing the matter at the sittings of the Board held in Ottawa, February 1, 1921, the Canadian Pacific Railway Company, New York Central Railroad Company, Canadian National Railways, and Michigan Central Railroad Company being represented by counsel at the hearing, and what was alleged,—

The Board Orders: That the use of the Hart type of wooden packing for frogs, wing rails, guard rails, and switches on railways subject to the jurisdiction of the Board, be, and it is hereby, authorized.

F. B. CARVELL,

Chief Commissioner.

OTTAWA, February 17, 1921.

### GENERAL ORDER No. 330

In the matter of the suggested Uniform Regulations regarding the Inspection of Railway Steam Boilers, other than Locomotive Boilers.

File No. 29110.1

Upon hearing the matter at the sittings of the Board held in Ottawa, January 18, 1921, the Canadian National Railways, Grand Trunk and Canadian Pacific Railway

Companies, and Michigan Central and New York Central Railroad Companies being represented at the hearing, and what was alleged; in pursuance of the powers conferred upon the Board by section 287 of the Railway Act, 1919, and of all other powers possessed by it in that behalf; and upon the report and recommendation of the Chief Operating Officer of the Board,-

The Board Orders: That the railway companies subject to its jurisdiction adopt and put into force, not later than the first day of June, 1921, the Regulations Regarding the Inspection of Railway Steam Boilers, other than Locomotive Boilers, namely:-

These rules shall apply to all steam boilers and their appurtenances operated by railway companies within the jurisdiction of the Board, except boilers of locomotives or boilers used solely for heating, which carry pressure not exceeding fifteen pounds per square inch.

The chief mechanical officer of each railway company will be held responsible for the general design, construction, and inspection of all boilers covered by these rules. He must know that all inspections are made in accordance with the rules, and that the defects disclosed by any inspections are properly repaired before the boiler is returned to service.

### TTT

The working pressure of each boiler shall be determined by the mechanical engineer, using the formula commonly used in determining safe working pressure, and after a thorough inspection and report by a competent inspector. The minimum factor of safety allowed shall be four.

In determining safe working pressure, the maximum allowable stress shall be 7,500 pounds per square inch for stay-bolts and 9,000 pounds per square inch for round or rectangular braces supporting flat surfaces.

Each boiler shall be given a serial number by the operating railroad. A metal badge plate showing this number and the safe working pressure shall be attached to each boiler.

Specifications of each boiler shall be kept on file in the office of the chief mechanical officer of the railway company. Within one year after this rule becomes effective, each railway company will file report (Form 1) with the chief mechanical officer of the railway company and a copy with the Board, for each boiler subject to these rules, giving all the data called for thereon.

### VI

Each boiler shall have at least one safety valve of sufficient capacity to prevent an accumulation of pressure more than five per cent above the working pressure, and shall be connected direct to the boiler.

Safety valves shall be set at pressure not to exceed six pounds above the allowed

working pressure

Working safety valves on boiler shall be tested each day boiler is in use. Failure of safety valve to open before an excess pressure of ten pounds has been reached

must immediately be reported to the proper authority and repairs made.

Not less frequently than once each six months, all safety valves on boiler shall be tested and adjustment made if necessary. At this test, as well as at all other tests where the safety valves are adjusted, two steam gauges shall be used, one of which shall be in full view of the person adjusting the valves.

### VII

Each boiler shall have a steam gauge, graduated to at least fifty pounds above the working pressure, connected direct to steam space of boiler, equipped with a suitable siphon and with no more than one cock or valve between boiler and gauge. This cock to be located near steam gauge.

Steam gauges shall be tested at least once each six months, or whenever any irregularity is shown, and shall also be tested before any adjustment is made of the safety valves. Each time gauge is tested siphon pipe and cock must be cleaned and examined.

### VIII

Each boiler shall have at least three gauge cocks and one waterglass, so located that the lowest reading shall be at least three inches above the lowest safe water line. Each water glass shall be equipped with a valve at each end of glass and with a blow-off or drain at bottom of glass. Gauge cocks, waterglass, and water column valves, cocks, and connection shall be maintained in an operative condition, free from leaks, and shall be cleaned of scale each time boiler is washed.
Suitable lights shall be provided for waterglass and steam gauge.

### ANNUAL INSPECTION

### IX

Before being placed in service, and not less than once each twelve months thereafter, each boiler shall be subjected to a hydrostatic pressure 25 per cent greater than the working pressure, and the boiler and appurtenances carefully examined while

After hydrostatic pressure has been applied, a thorough inspection shall be made of every accessible part of the boiler. Manholes shall be removed to permit of interior

inspection.

Boiler having lap joint longitudinal seams should be examined with special care,

to detect grooving or cracks at edge of seams.

Water tube boilers should be examined with special care, to detect blistering on the tubes, tubes bending, and leakage or corrosion where tubes are fastened to headers.

Soot and cinders shall be cleaned from furnace and combustion chamber, and a thorough inspection made of the brick lining and setting, the fire wall, baffles, and

Threaded and flange joints on steam header, steam pipe, and blow-off line shall be examined carefully for signs of corrosion or wasting.

After repairs are completed, the boiler must be fired up, safety valves set, and boiler and appurtenances examined. All cocks, valves, seams, pipes, flanges, and joints must be tight under this pressure.

All defects disclosed by any of the above inspections must be repaired before the

boiler is returned to use.

A certified report of the inspection and repairs (Form 3) shall be filed with the chief mechanical officer of the railway company, and a copy sent to the Board.

Locomotive type boilers working under a pressure of 125 pounds or more should have the staybolts tested at least once each six months. Locomotive type boilers working under a pressure of less than 125 pounds, and vertical type boilers, to have staybolts tested annually. No boiler shall remain in service with five or more broken staybolts.

XI

Boilers shall be thoroughly washed as often as water conditions require. Special care shall be given to water tube boilers, to prevent an accumulation of scale in the tubes, and the tubes must be scraped if necessary. At washout periods, soot, ashes, and cinders shall be cleaned from furnace and combustion chamber, and brick lining, setting, and fire-wall examined.

### SEMI-ANNUAL INSPECTION

### XI-A

Not less frequently than once each six months, an inspection of the boiler under steam shall be made by a competent inspector. He shall test the safety valves, gauge cocks, and waterglass, blow-off valve, examine and test the feed pump or injectors, examine steam pipes for leaks, giving close attention to leaks around threaded joints. see that pipes are well braced, that all valves are operative, examine the netting of the boilers and the general condition of the boiler room, with special reference to fire risks.

He shall report any defects found to the division officer in charge and to the local

officer in charge, so that prompt repairs can be made.

A certified report of the inspection and repairs (Form 2) shall be filed with the chief mechanical officer of the railway company, and a copy sent to the Board.

## MISCELLANEOUS RULES

### XII

Boilers in batteries connected to same steam header shall each have a suitable valve between boiler and header, which must be maintained in an operative condition.

### XIII

Each steam outlet from boiler (except safety valve connections) shall be equipped with a suitable valve, which must be maintained in an operative condition.

### XIV

Injectors and pumps must be kept in such condition that they will feed water into the boiler against the maximum pressure allowed on the boiler.

### XV

Boilers with any of the following defects shall be withdrawn from service until after proper repairs are made: Cracks in cylindrical boilers or headers; bags or bulges in shells of external fired boilers or unstayed surfaces of internal fired boilers; bulges in arch or water tubes; more than one gauge cock inoperative; safety valve inoperative.

Boilers showing indications of having been low in water or of mud burning shall not be used until after inspection by a competent inspector.

### XVII

Where necessary to plug flues, the plugs shall be tied together with a rod not less than three-quarters of an inch in diameter, and a report of same made to the officer in charge, who will have proper repairs made.

### XVIII

When making internal inspection of one of a battery of boilers, another employee will be stationed outside of boiler, whose duty shall be to prevent steam valves from other boilers being opened into boiler being inspected.

### XIX

An annual certificate of inspection shall be posted under glass, in a conspicuous place in the boiler room. This certificate shall also show the number of the boiler, the allowed working pressure, the date of inspection, and the signature of inspector. Inspection certificates may be made in triplicate, and copy filed with Provincial Inspector of Boilers, if desired.

F. B. CARVELL.

Chief Commissioner.

OTTAWA, February 16, 1921.

THE THE CONTUINED OF THE FOR CANADA	
BOARD OF RAILWAY COMMISSIONERS FOR CANADA	orm 1
STATIONARY BOILER REPORT	
(Insert name of Railway)	
Specification card, boiler No	
1. Location	
9 Compies	
9 Charm magging	
4. Factor of safety	
5. Number of fire tubes	
6. Number of water tubes	
C Crata and	
A Number of cofety valves	
Type	
10 Gira and type of injectors	
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The steam pressure and factor of safety was calculated on report dated  19, made byis correct to the best of my knowledge	ge and
belief	ector.
Province of	
I HEREBY CERTIFY that to the best of my knowledge and belief the above re	)() rt 15
	rowr g
BOARD OF RAILWAY COMMISSIONERS FOR CANADA	Form 2
	OIM 2
Stationary Boiler Report (Insert name of Railway)	
Semi-annual inspection of boiler No	
day of	
in a stall and or storm the boiler and appurtenances of boller No	9
	9
900 11820 28	9
900 11820 28	9
All defects disclosed by said inspection have been repaired, except as noted	on the
All defects disclosed by said inspection have been repaired, except as noted back of this report.	on the
located at, and used as  All defects disclosed by said inspection have been repaired, except as noted back of this report.  1. Was steam gauge tested	on the
located at	9on the
located at	9on the
located at	9
located at.  All defects disclosed by said inspection have been repaired, except as noted back of this report.  1. Was steam gauge tested.  2. Safety valves set at.  3. Condition of boiler.  4. Condition of gauge cocks.  5. Condition of waterglass.  6. Condition of water column.  7. Condition of blowoff cock.  8. Condition of pump or injectors.  9. Condition of steam valves.  10. Condition of steam pipes.	9
located at.  All defects disclosed by said inspection have been repaired, except as noted back of this report.  1. Was steam gauge tested.  2. Safety valves set at.  3. Condition of boiler.  4. Condition of gauge cocks.  5. Condition of waterglass.  6. Condition of water column.  7. Condition of blowoff cock.  8. Condition of pump or injectors.  9. Condition of steam valves.  10. Condition of brick setting.	9
located at.  All defects disclosed by said inspection have been repaired, except as noted back of this report.  1. Was steam gauge tested.  2. Safety valves set at.  3. Condition of boiler.  4. Condition of gauge cocks.  5. Condition of waterglass.  6. Condition of water column.  7. Condition of blowoff cock.  8. Condition of steam valves.  10. Condition of steam pipes.  11. Condition of brick setting.  12. Condition of boiler room.  In	9
located at.  All defects disclosed by said inspection have been repaired, except as noted back of this report.  1. Was steam gauge tested.  2. Safety valves set at.  3. Condition of boiler.  4. Condition of gauge cocks.  5. Condition of waterglass.  6. Condition of water column.  7. Condition of blowoff cock.  8. Condition of pump or injectors.  9. Condition of steam valves.  10. Condition of steam pipes.  11. Condition of brick setting.  12. Condition of boiler room.  In	on the
located at.  All defects disclosed by said inspection have been repaired, except as noted back of this report.  1. Was steam gauge tested.  2. Safety valves set at.  3. Condition of boiler.  4. Condition of gauge cocks.  5. Condition of waterglass.  6. Condition of water column.  7. Condition of blowoff cock.  8. Condition of steam valves.  10. Condition of steam pipes.  11. Condition of brick setting.  12. Condition of boiler room.  In	on the
located at.  All defects disclosed by said inspection have been repaired, except as noted back of this report.  1. Was steam gauge tested.  2. Safety valves set at.  3. Condition of boiler.  4. Condition of gauge cocks.  5. Condition of waterglass.  6. Condition of water column.  7. Condition of blowoff cock.  8. Condition of pump or injectors.  9. Condition of steam valves.  10. Condition of steam pipes.  11. Condition of brick setting.  12. Condition of boiler room.  In	on the

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA

STATIO

STATIONARY BOILER REPORT	Form 3
(Insort none of D 'I	
(Insert name of Railway)	

Annual inspection of boiler No. . . . . . . Under the rules and instructions issued governing the inspection and testing of inspected the boiler and appurtenances of boiler No. . . . . . . . located at disclosed by said inspection have been repaired, except as noted on the back of this report. 1. Hydrostatic pressure of......lbs. applied. 2. Was furnace cleaned..... 3. Was boiler washed..... S. Condition of barrel..... 9. Condition of firebox..... 11. Condition of steam header..... 13. Condition of steam pipes..... 14. Condition of blowoff cock..... 15. Condition of gauge cocks..... 16. Condition of waterglass..... 18. Condition of brick setting..... 19. Was steam gauge tested..... 20. Allowed working pressure..... 23. Was boiler examined under steam..... 24. Were appurtenances examined under steam............. 25. Condition of boiler room..... Province of..... County of ..... I HEREBY CERTIFY that to the best of my knowledge and belief the above report is correct. ..... Master Mechanic. ..... Officer in Charge.

### GENERAL ORDER No. 331

In the matter of exchange on passenger charges payable in respect of international traffic between Canada and the United States, and the application of the Railway Association of Canada, hereinafter called the "applicants", for the granting of surcharges on international passenger traffic.

File No. 29890.5

Upon hearing the application at the sittings of the Board held in Ottawa, March 2, 1921, in the presence of counsel for the applicants, the Toronto, Hamilton, and

Buffalo Railway Company, and the Montreal and Toronto Boards of Trade, the arguments addressed to the Board, the data furnished, and what was alleged, and after conferences with representatives of the applicants and reading the memoranda filed on behalf of the applicants, setting out in detail the surcharges it is proposed to apply at different points and the principles upon which such surcharges were based,-

The Board Orders as follows:-

1. A surcharge based on the full rate of exchange arrived at in accordance with the provisions of this Order may be added to the total through fares and charges as set out in section 6 hereof, and collected in Canada on all passenger and baggage car traffic to United States destinations from the following points in Canada via the routes set out in this section (subject to exemptions provided for in section 5 hereof):-

nereoi):—	
From Rock Island, Que	Via . Newport, Vt.
Stanstead, Que. Beebe Jct., Que.	
St. Armand, Que	
Lacolle Que	Rouses Point, N.Y.
St. Agnes, Que	Fort Covington, N.Y.
Athelstan, Que	Constable, N.Y.
Cornwall, Ont	
Prescott, Ont	
Niagara Falls, Ont	Suspension Bridge, N.Y., Buffalo, N.Y.
Bridgeburg, Ont	Buffalo, N.Y.
Windsor, Ont	Detroit, Mich.
Sarnia, Ont	Port Huron, Mich.
Sault Ste. Marie, Ont	Sault Ste. Marie, Mich.
Fort Frances, Ont	Ranier, Minn.
Emerson, Man	Pembina, N.D. St. Vincent, Minn. Noyes, Minn.
Gretna, Man	Neche, N.D.
North Portal, Sask	Portal, N.D.
Coutts, Alta	Sweet Grass, Mon.
Kingsgate, B.C	Eastport, Idaho.
White Rock, B.C	Blaine, Wash.

2. A surcharge based on 75 per cent of the rate of exchange so arrived at may be applied in the case of all such traffic to United States destinations from the following points in Canada via the routes set out in this section (subject to the exemptions provided for in section 5 hereof):—

(a)	From  Montreal, Queand intermediate points St. Hyacinthe, Que.	Via . Rouses Point, N.Y. Fort Covington, N.Y. Malone, N.Y. Highgate Springs, Vt. Newport, Vt. Island Pond, Vt.
(b)	Sherbrooke, Queand intermediate points  Lennoxville, Que.	. Newport, Vt.
(c)	Valleyfield, Que	Fort Covington, N.Y. Highgate Springs, Vt. Rouses Point, N.Y.
(d)	Russell, Ontand intermediate points	Nyando, N.Y.
(e)	Kemptville, Ont	Ogdensburg, N.Y.
(f)	Hamilton, Ont	Suspension Bridge, N.Y. Buffalo, N.Y.
(g)	Smiths Falls, Ont	Morristown, N.Y.
(h)	Chatham, Ont	Detroit, Mich.
(i)	Petrolia, Ont	Port Huron, Mich.
(j)	Morris, Manand intermediate points	Pembina, N.D. St. Vincent, N.D.
(k)	Estevan, Saskand intermediate points	Portal, N.D.
(1)	Vancouver, B.C	Everett, Wash., or Seattle, Wash., to points west of the direct line of M. St. P. and S.S.M., via Miner, N.D., also to points west of Minneapolis, Minn., St. Paul, Minn., Sioux City, Iowa, Omaha, Neb., Atchison, Kan., Kansas City, Mo., St. Louis, Mo., Cairo, Ill., Memphis, Tenn., Vicksburg, Miss., New Orleans, La., and via California to all points.

3. A surcharge based on 50 per cent of the rate of exchange so arrived at may be applied in the case of all such traffic to United States destinations from the following points in Canada via the routes set out in this section (subject to the exemptions provided for in section 5 hereof):—

From		VIA
St. John, N.B. and Fredericton, N.B. Woodstock, N.B.	intermediate points	Vanceboro, Mc.
Thetford Mines, Queand St. Ephrem, Que. no M	legantic	Newport, Vt. Beecher Falls, Vt. Island Pond, Vt., or Lowelltown, Me.
Victoriaville, Queand in	stations to Danville, Que., clusive	Island Pond, Vt., or Newport, Vt.
F C	ot including Russell, Olit., Kemptville, Ont., Smiths Falls, Ont., Valleyfield, Que., and Mon-	
Toronto, Ontand Georgetown, Ont. n Guelph, Ont. C Galt, Ont. C Paris, Ont. Tillsonburg, Ont.	l intermediate stations to but ot including Hamilton, Ont., Caledonia, Ont., Hagersville, ont., and Jarvis, Ont	
London, Ont	I intermediate stations to but to tincluding Strathroy, Ont. Ailsa Craig, Ont., Fargo, Ont. or Blenheim, Ont	7
Winnipeg, Manand	d intermediate stations	Neche, N.D. Pembina, N.D. St. Vincent, Minn Noyes, Minn. to points west of Sault Ste. Marie, Mich., Port Huron, Mich., Detroit, Mich., Toledo, Ohio, and points south thereof also to points east of States of Idaho and California.

Weyburn, Sask.....and intermediate stations to but not including Estevan, Sask.....Portal, N.D.

4. A surcharge based on 25 per cent of the rate of exchange so arrived at may be applied in the case of all such traffic to United States destinations from all other points in Canada (subject to the exemptions provided for in section 5 hereof):—

5. No exchange surcharge will be collected on such traffic from points in Canada to the following United States destinations via the routes set out in this section:—

	to the following United States destinations via the routes set out in this section:—		
	To Vanceboro, Meand intermediate sta	$\mathbf{V}_{\mathbf{I}\mathbf{A}}$	From
	Presque Isle, Me. Fort Fairfield, Me. Caribou, Me.	.C. P. Rly	ew Brunswick. ova Scotia. rince Edward Island.
	Lowelltown, Me		gantic, Que.
	Norton Mills, Vt	G. T. RlyAl	l points.
	Beecher Falls, Vt	Me. Cent. R. R. Al	l noints
	North Troy, Vt Centre, Vt. Newport, Vt.	C. P. RlyAl	l points.
	Derby Line, Vt	B. & M.R.RAl	l points.
]	Highgate Springs, Vt	C. V. RlyAl	points.
	Rouses Point, N.Y		
	Constable, N.Y		
	Fort Covington, N.Y		
	Nyando, N.Y		
	Ogdensburg, N.Y		
ST	Niagara Falls, N.Y Suspension Bridge, N.Y. Fonawanda, N.Y.	All RoutesAll	points.
E	Buffalo, N.Y	all RoutesAll	points.
	Detroit, Mich	Ont., or Sarnia, OntAll	
	Port Huron, Mich		points.
	Sault Ste. Marie, Mich	ll Routes via Sault Ste. Marie, OntAll	nointe
S	Stations on C. N. Rlys. in Minnesota		
R	Ranier, MinnC	. N. Rlys, via Fort Frances, OntAll	coints.
31	Toyes, Minn	ll Routes via Emerson, ManAll I	points.
7	Feche, N.D	P. Rly., via Gretna Man., and G. N. Rly., via West Gretna, Man.All p	oints.

## RAILWAY COMMISSIONERS FOR CANADA

12 GEORGE V, A. 1922

T.	VIA	FROM
To Portal, N.D	C. P. Rly., via North Portal, SaskA	ll points.
Sweet Grass, Mon	C. P. Rly., via Coutts, AltaA	lberta points.
Gateway, Mon	G. N. Rly., via Baynes, B.CB	ritish Columbia points.
Eastport, Idaho	C. P. Rly., via Kings- gate, B.CA	all points.
Northport, Wash	G. N. RlyE	sritish Columbia points north of stations named.
Blaine, Wash., to Seattle, Wash., included	G. N. Rly., via White Rock, B.C.,	Vancouver, B.C. and Canadian stations intermediate between Vancouver, B.C., and Seattle Wash.
Seattle, Wash	Coast Steamships	Vancouver, B.C. Victoria, B.C.
Alaska Points	C.P., B.C. Coast Steam- ships	All points.

- 6. The surcharge herein provided for will be calculated at the rate governing at the date of issue of ticket, check, or receipt upon the amount of the through fare or charge from starting point to destination, for:-
  - (a) Passage tickets,
  - (b) Sleeping car tickets,
  - (c) Parlor car tickets,
  - (d) Excess or other revenue baggage car traffic and special baggage cars.
  - (e) Collections for transfer or special delivery of baggage in United States
  - 7. In arriving at the surcharge, the rate of exchange quoted for New York funds by the Bank of Montreal in Montreal at noon on the last day of each month will govern from the first to the fourteenth inclusive of the following month: similarly such quotation at noon en the fourteenth will govern from the fifteenth to the last day inclusive of such month; should the governing date fall on a Sunday or Canadian or United States legal holiday the noon quotation of the preceding day will govern. In determining the rate of exchange and surcharge to be applied, fractions less than one-half will be disregarded, and fractions of one-half or over will be counted as one per cent.
  - s. Telegraphic advice will be sent to railway agents in Canada on the last day of each month specifying the rate of exchange on which surcharge will be based from the 1st to the 14th inclusive of the following month; and on the 14th day of each month specifying the rate effective from the 15th to the last day, inclusive, of such month. Agents must file such telegraphic advice with the tariff governing such surcharge.
  - 9. Each railway company shall file with the Board effective March 15th instant, special tariff setting forth the charges to be made in accordance with the provision of this order and corresponding to the varying rates of exchange, and in such tariff

they will be permitted to arrange the amounts on which the surcharges are to be assessed in groups of not exceeding fifty cents, provided that the amount to be collected on account of exchange does not exceed the authorized rate on the average of each group.

And the Board further Orders: That the telegraphic advice as provided in section 8 of this order be posted in a conspicuous place in each passenger station in Canada of the railway companies over which the Board has jurisdiction; that the companies instruct their agents to inform the public when purchasing tickets to the United States that they have the right to purchase a ticket to the border in Canadian funds, if they so desire; and that a poster to this effect in large letters be posted in a conspicuous place in each passenger station as aforesaid.

And the Board further Orders: That the said railway companies furnish the Board with monthly statements showing the total receipts for international passenger traffic from each zone, with the surcharge received thereon, the portion accruing to the Canadian lines, and that accruing to the American lines, as well as the receipts from American roads, for traffic from the United States to Canada, divided in the same manner.

OTTAWA, March 5, 1921.

F. B. CARVELL, Chief Commissioner.

#### GENERAL ORDER No. 332

In the matter of the complaint of the Calgary Live Stock Exchange as to the restricted valuations on live stock shipped as part of settlers' effects, and claim that such valuations should equal those scheduled in the New Live Stock Contract, made effective by the Order of the Board No. 298, dated June 2, 1920.

File No. 28233.8

Upon hearing the complaint at the sittings of the Board held in Calgary, October 20, 1920, the complainant, the Canadian Pacific Railway Company, and the Canadian National Railways being represented at the hearing, and what was alleged; and upon the report and recommendation of the Chief Traffic Officer of the Board,—

The Board Orders: That the live stock valuations in the classification of household goods and settlers' effects, as set out on page 100 of the Canadian Freight Classification No. 16, be amended so as to agree with the provisions of section 1 of the Live Stock Bill of Lading, Schedule "A", approved by the general order of the Board No. 298, dated June 2, 1920.

OTTAWA, March 14, 1921.

F. B. CARVELL, Chief Commissioner.

#### GENERAL ORDER No. 333

In the matter of the Order of the Board No. 2139, dated December 6, 1906, as amended by Order No. 28742, dated August 29, 1919, prescribing the form, size, and style of the tariffs of telephone tolls to be charged by telephone companies; and the application of the Bell Telephone Company of Canada for an Order amending the said Orders to provide for the approval of the system of publication of long distance tolls, known as the "Standard Toll Rate Quoting System."

File No. 3926.1

Upon reading the application and what is filed in support thereof, and the report and recommendation of the Traffic Officer of the Board,—

#### The Board Orders as follows:-

- (a) That tariffs of telephone tolls hereafter filed with the Board be printed on sheets or in books of a size not to exceed eighteen inches in length and eighteen inches in width.
- (b) That the said tariffs be specifically numbered in the upper right-hand corner by each telephone company, with the prefix "C.R.C.", beginning with C.R.C. No. 1, and that subsequent tariffs be numbered consecutively.
- (c) That contracts, agreements, arrangements, or other forms which affect tolls shall conform in numbering with tariffs of tolls, and so far as may be convenient in dimensions also.
- (d) That the said tariffs, contracts, agreements, arrangements, and other forms be accompanied by a filing advice in duplicate, which shall give the C.R.C. numbers of the enclosures, with the effective dates and descriptions thereof, in accordance with the accompanying form "A" the duplicate of which will be stamped and returned to the sender as the Board's acknowledgment of the receipt of the enclosures. That filing advices be uniform in size, eleven inches in length and eight and one-half inches in width, and be numbered consecutively, without the C.R.C. prefix, and without regard to the C.R.C. numbers of the enclosures.
- (e) That the occasion for the issue be shown at the top of the front page of all tariffs, contracts, agreements, arrangements, and other forms following those first filed with the Board, thus: "Advance." "Reduction," "Reissue," or "New Rates," as the case may be.
- (f) That the act of mailing by the company shall not constitute filing within the meaning of the Act, and that new tariffs, contracts, agreements, arrangements, or other forms shall actually have reached Ottawa three days in the case of a reduction or thirty days in the case of an advance, before they shall have become effective.
- (g) That the accompanying form "B" of Certificate of Concurrence in Joint Tariffs be, and the same is hereby, prescribed under the powers conferred by the Railway Act, 1919; the said certificates to be uniform in size, eleven inches in length and eight and one-half inches in width, to be consecutively numbered, and to contain a full and exact description of the tariff concurred in, and to be signed in person by the official filing the same under the said provisions of the Railway Act, 1919, or by some person duly authorized to sign for him; such person to affix his signature in full to the name of the official for whom he signs; the Board to be kept advised of the persons to whom such authority is delegated; and that two copies of each certificate be sent to the Board, one of which will be stamped and returned to the sender as the Board's acknowledgment of receipt.

And whereas, by subsection 6 of section 375 of the Railway Act, 1919, the Board is authorized to make regulations determining and prescribing the manner in which tariffs of telephone tolls shall be published or kept open for public inspection,—

### The Board therefore further Orders:

- (1) That the company deposit and keep on file in each city, town, and village, in a convenient place, open for the inspection of the public, during business hours, a copy of its Exchange Tariff in use thereat, and print a notice prominently and in hold type in each of its Official Telephone Directories directing the public attention to the place in its office or offices in each city, town, and village where such tariffs are on file.
- (2) That the company deposit and keep on file at each of its toll centres a complete set of its toll tariffs, including First Reference Lists and Rate Charts for each office, tributary to it, and also for the toll centre itself, and at tributary offices from which toll rates are quoted, a First Reference List shall be deposited and kept on file.

- (3) That at each office where exchange and toll tariffs of telephone tolls are kept on file, the person in charge at such office shall, upon application, produce any particular tariffs on file thereat, for inspection.
  - (4) The form of public notice aforesaid is hereby prescribed as follows:-

#### TELEPHONE COMPANY

#### PUBLIC NOTICE

The company's tariffs are open to public inspection.

The Exchange Tariff may be seen on application to the manager at the company's central office.

The following are the toll centres in the district covered by this directory (to be followed by an alphabetical list of such toll centres).

And the Board further Orders: That the said Orders Nos. 2139 and 28752, dated respectively December 6, 1906, and August 29, 1919, be rescinded.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, March 26, 1921.

		(Insert name of telephone company here.)
LING ADVICE 1	No	
he Chief Traff	ic Officer.	
	mmission for Car	nada,
	Ottawa, Ont.	
Sir,—In concrewith, for appollows:—	mpliance with the proval and filing	e requirements of the Railway Act, 1919, I transmit with the Commission, copies of Tariffs, et cetera, as
C.R.C.	Date Taking Effect	Description
	(Sign	nature)
20c161		

A

В

(Insert name of concurring telephone company here.)
Concurrence Certificate No
The Chief Traffic Officer, Railway Commission for Canada, Ottawa, Ont.
This is to certify that the
C.R.C. Number and Title
(Here give exact description of title of schedule.)
Date of issue
Date effective
Issued by: (Official)
(Telephone Company)
(Signature)

#### GENERAL ORDER No. 334

In the matter of the General Order of the Board No. 188, dated April 23, 1917, prescribing Regulations for the Uniform Maintenance of Way Flagging Rules for Impassable Track, for the observance of every railway company within the legislative authority of the Parliament of Canada, and requiring that the said Rules be printed in the working time-tables of the railway companies.

File No. 4135.25

Upon the report and recommendation of the Chief Operating Officer of the Board,—

The Board Orders: That the said General Order No. 188, dated April 23, 1917, be, and it is hereby, amended to provide that the Regulations for the Uniform Maintenance of Way Flagging Rules for Impassable Track may, at the option of the railway companies, be printed in the Rule Books of such companies, in lieu of the working time-tables, as provided in the said General Order No. 188.

F. B. CARVELL, Chief Commissioner

OTTAWA, April 1, 1921.

#### GENERAL ORDER No. 335

In the matter of the General Order of the Board No. 236, dated May 20, 1918, prescribing certain regulations for the protection of railway employees, paragraph 2 of which reads as follows:--

"2. When more than one engine is attached to a train, the engineer of the leading engine shall operate the brakes: (File No. 1750.)

File No. 4135.63

Upon reading the submissions filed on behalf of the railway companies and representatives of railway employees; and upon the report and recommendation of the Chief Operating Officer of the Board,-

The Board Orders: That the said General Order No. 236, dated May 20, 1918, be, and it is hereby, amended by adding to the said paragraph 2 the following, namely:-

"In case of the leading engine giving up the train short of the destination of the train, a test of the brakes must be made to see that the same are operative from the engineer's valve of the engine remaining with the train."

> S. J. McLEAN, Assistant Chief Commissioner.

OTTAWA, April 1, 1921.

#### GENERAL ORDER No. 336

In the Matter of the General Order of the Board No. 42, dated July 12, 1909, approving a Uniform Code for Canadian Railways; and in the matter of Rule 99, paragraphs 6 and 9 thereof, which read as follows:-

"If recalled before another train arrives he must at night or when weather conditions obscure day signals, or when snow ploughs or flangers may be running in addition to the two torpedoes, leave a fusee burning red at the point he returns from and at such other points on his return as may be necessary to insure full protection;

"Flagmen must each be equipped for day time with a red flag and four torpedoes, and for night time and when weather or other conditions obscure day signals, with a red light, a white light, and four torpedoes, three red fusees,

and a supply of matches."

File No. 4135.77

Upon hearing the matter at the sittings of the Board held in Ottawa, September 77, 1920, the Canadian Pacific and Grand Trunk Railway Companies, the Canadian National Railways, the Michigan Central Railroad Company, the Brotherhood of ocomotive Firemen and Enginemen, the Brotherhood of Locomotive Engineers, and he Brotherhood of Railroad Trainmen being represented at the hearing, and what vas alleged; and upon the report and recommendation of the Chief Operating Officer,—

The Board Orders: That the said paragraphs 6 and 9 of rule 99 be struck out and he following substituted therefor, namely:-

"If recalled before another train arrives, he must in addition to the two torpedoes, leave a fusec burning red at the point he returns from, and while returning to his train-when snow ploughs or flangers may be running, curvature, weather, or other conditions governing-a fusee burning red must be placed at such points or times as the flagman may find necessary to insure full protection.

"To maintain the proper interval between trains, a fusee burning red

must be left by the protected train, at the point from which it moves.

"Flagmen must each be equipped for day time with a red flag, 22 inches by 28 inches, on a staff, at least six torpedoes and five red fusees; and for night time, and when weather or other conditions obscure day signals, a red light, a white light, with a supply of matches, at least six torpedoes, and five red fusees".

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, April 2, 1921.

#### GENERAL ORDER No. 337

In the matter of the consideration of the question of charges for fixing car doors and loading charges in cases where box cars are supplied by a railway company in lieu of stock cars ordered by the shipper.

File No. 27700.2

Upon reading the submissions filed on behalf of The United Grain Growers. Limited, and the Canadian Pacific Railway Company,—

The Board Orders as follows:-

1. That when, at any public stockyards where loading is not done by the shipper and a charge for loading is made, box-cars are supplied to live stock shippers in lieu of stock cars, the doors of such cars shall be fixed to the satisfaction of the shipper, at the expense of the railway company having the line haul, such company being responsible for the supplying of a suitable vehicle.

2. That, where box-cars are supplied by a railway company to live stock shippers in lieu of stock ears, at any public stockyards where loading charges are in effect, the loading charge shall not be based on the number of box-cars actually furnished or loaded, but on the number of cars which would have been loaded had stock cars been

supplied by the railway company.

S. J. MoLEAN,

Assistant Chief Commissioner.

OTTAWA, April 8, 1921.

#### GENERAL ORDER No. 338

In the matter of the application of the Bell Telephone Company of Canada, hereinafter called the "applicant company", for an Order authorizing a general increase in its telephone tolls.

Case No. 955

The application was heard at the sitting of the Board held in Ottawa, Septembe 21, 1920, and January 5 to January 24, 1921; Hamilton, November 4, 1920; Toronto November 5, 1920; and Montreal, November 10, 1920. Counsel for and representative of the Applicant Company, Boards of Trade of Quebec, Montreal, Ottawa, and Toronto the Chamber of Commerce of Hamilton, La Chambre du District de Montréal, the Cities of Ottawa, Montreal, Sherbrooke, Quebec, Toronto, Hamilton, and London, the Union of Canadian Municipalities, Union of Municipalities of the Province of Quebec, the King Street Improvement Association of Toronto, the County of York

the Canadian Manufacturers' Association, Tenants League of Montreal, Montreal Publicity Association, Butchers' Association of Montreal, Ontario Medical Association, Central Ratepayers' Association, Caledonia District Ratepayers' Association, the Academy of Medicine, Insurance Companies, Canadian Bankers' Association, Toronto Harbour Commissioners, the Government and Attorney General of Ontario. the Board of Education of Toronto, the Retail Merchants' Association of Canada, the Canadian Lumbermen's Association, and the Ontario Municipal Association were represented at the hearing, evidence was offered, and argument submitted; and the Board, by its judgment dated April 1, 1921, found that there was a deficit in the applicant company's necessary revenue of some two million one hundred thousand dollars; that, as against this, the increased long distance charges and the service connection charges would produce approximately one million one hundred and fifty thousand dollars, leaving the sum of approximately one million dollars to be obtained from the rates and charges for exchange service, to provide which the Board directed that an increase of ten per cent in the rates and charges for such exchange service be allowed.

Whereas, after the judgment was delivered and before the order issued, it was made clear to the Board that an error in computation as to the carnings of the company had been made, and that an increase of twelve per cent in the rates and charges for exchange service was necessary to provide the required revenue,—

And whereas the substantive judgment of the Board, dated April 12, 1921, reciting the fact of the said error in computation and setting forth how the mistake occurred, authorizes and allows an increase of twelve per cent in the said rates and charges for exchange service,—

#### The Board accordingly therefore Orders as follows:-

1. That the applicant company's tariff of tolls for long distance service, to replace all existing tariffs of tolls for such service, as set out in schedule 2 of the application filed with the Board under Case No. 955, be, and it is hereby, approved.

2. That an increase of twelve per cent in the applicant company's tariff of rates

and charges for exchange service be, and it is hereby, authorized and allowed.

- 3. That an increase of twelve per cent in the applicant company's tariff of rates and charges for miscellaneous equipment and service be, and it is hereby, authorized and allowed.
- 4. That the rates and charges for exchange service at present applicable in the city of Montreal be reduced to those at present applicable in the city of Toronto; such rates and charges thereafter to be increased as provided for in paragraph 2 hereof.
- 5. That the applicant company's "Service connection charge", as shown in schedule 5 of the application, be, and it is hereby, authorized and allowed.
- 6. That the application for the change in rates as shown in schedules 1, 3 and 4 of the applicant company's application be, and it is hereby, refused.
- 7. That as an emergency provision, the applicant company's allowance for depreciation be computed on the basis of four per cent of the average depreciable plant.
- 8. That the increases herein allowed may become effective in not less than seven days after the filing of schedules with the Board.
- 9. That the increases hereby allowed be regarded as a temporary measure, to meet an existing emergency situation; the applicant company to continue to file the same monthly reports as at present, with such further special reports, if any, as may from time to time be called for by the Board.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, April 13, 1921.

#### GENERAL ORDER No. 339

In the matter of the Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, approved by the General Order of the Board No. 204, dated August 11, 1917; and the matter of reporting accidents and explosions to the Board.

File No. 1717

Upon reading what is filed on behalf of the Bureau of Explosives, and the report and recommendation of the Traffic Officer of the Board,—

The Board Orders: That section 1534 of the said Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight be, and it is hereby, amended by striking out the words after the words "Union Station, Toronto", in subsection (a) thereof, and substituting therefor the words, "Accidents and explosions must also be reported to the secretary of the Board of Railway Commissioners, Ottawa, Ont."; and that section 1715 of the said regulations be amended by striking out the words after the words "Union Station, Toronto, Ont.", in subsection (a) thereof, and substituting therefor the words, "Accidents or fires must also be reported to the secretary of the Board of Railway Commissioners, Ottawa, Ont."

S. J. McLEAN,
Assistant Chief Commissioner.

Оттаwa, Мау 7, 1921.

#### GENERAL ORDER No. 340

In the matter of the General Order of the Board No. 322, dated December 10, 1920, requiring all railway companies subject to the jurisdiction of the Board to withdraw Special Instruction "E" from their respective working time-tables, and hereafter observe the Uniform Code of Rules for Canadian Railways approved by General Order No. 42, dated July 12, 1909; the necessary changes and instructions to employees to become effective June 1, 1921;

And in the matter of the application of the Canadian Pacific Railway Company and the Canadian National Railways for an extension of time beyond

the said 1st day of June, 1921.

File No. 4135.26

Upon hearing the matter at the sittings of the Board held in Ottawa, May 17, 1921, the Canadian Pacific Railway Company, Canadian National Railways, Michigan Central Railroad Company, Railway Assocition of Canada, Brotherhod of Locomotive Firemen and Enginemen, Brotherhood of Locomotive Engineers, Brotherhood of Railroad Trainmen, and Brotherhood of Railway Conductors being represented at the hearing, and what was alleged,—

The Board Orders: That, pending further hearing, the time within which the changes and instructions, required under the said General Order No. 322 to become effective on June 1, 1921, be, and it is hereby, extended until the 15th day of June, 1921.

F. B. CARVELL,

Chief Commissioner.

OTTAWA, May 19, 1921.

#### GENERAL ORDER No. 341

In the matter of the application of the Fuel Dealers' Association of Greater Winnipeg. the Winnipeg Board of Trade, and others for a reduction in the freight rates on coal in Western Canada, between the dates of April 1 and October 1 of each year.

File No. 27425.53

Upon hearing the application at the sittings of the Board held in Winnipeg, April 27, 1921, the Fuel Dealers' Association of Greater Winnipeg, the Dominion Collieries of Saskatchewan, the provinces of Manitoba, Saskatchewan, and Alberta, coal operators and coal dealers of the Edmonton District, Drumheller, and Calgary, the Calgary Retail Dealers' Association, the Trades Commission of Alberta, the Boards of Trade of Montreal and Toronto, the Canadian Pacific Railway Company, and the Canadian National Railways being represented at the hearing, and what was alleged,—

The Board Orders: That all railway companies subject to the jurisdiction of the Board interested in the coal movement in the three Prairie Provinces, be, and they are hereby, required to reduce the rates on coal from mines in the provinces of Alberta and Saskatchewan to points in the provinces of Alberta, Saskatchewan, and Manitoba, by ten per cent, including coal actually billed out up to and including the 31st day of August next; such companies to file tariffs to this effect, effective on the 1st day of June next.

F. B. CARVELL, Chief Commissioner.

OTTAWA, May 21, 1921.

#### GENERAL ORDER No. 342

In the matter of the application of the railway companies subject to the jurisdiction of the Board for approval of reduced standard passenger fares, to become effective July 1, 1921.

File No. 29996.25

Whereas supplements to standard passenger tariffs have been filed by the undermentioned railway companies, to become effective July 1, 1921, on the reduced basis prescribed by the Judgment of the Board, dated September 6, 1920, and General Order No. 308, dated September 9, 1920,—

The Board Orders: That the following supplements to standard passenger tariffs be, and they are hereby, approved, the said supplements to be published in at least two consecutive weekly issues of the Canada Gazette, preceded by the following notice:—

"The undermentioned supplements to standard passenger tariffs, effective July 1, 1921, having been filed for the approval of the Board of Railway Commissioners for Canada, and having been found by the Board to be in accordance with its Judgment, dated September 6, 1920, and its General Order No. 308, dated September 9, 1920, and having been approved by its General Order No. 342, dated June 9, 1921, the same are hereby published."

Boston and Maine Railroad..... Supplement No. 3 to 305
Canadian National Railways.... Supplement No. 4 to
Canadian Northern
Canadian Northern
Canadian Northern
Canadian Northern
E-1064

C.R.C. No.

Canadian National Railways Supplement No. 3 to	
Halifax and South Western	P-77
Canadian Pacific Railway Supplement No. 3	E-3187
Canadian Facilic NatiwaySupplement No. 4	502
Central Vermont Railway Supplement No. 4	
Dominion Atlantic Railway Supplement No. 3	404
Fredericton and Grand Lake Coal and	
Railway Supplement No. 3	4
Glengarry and Stormont RailwaySupplement No. 4	2
Grand Trunk Pacific Railway Supplement No. 4	660
Grand Trunk Railway Supplement No. 4	E-2669
Grand Trunk Manway Supplement No. 4	1161
Great Northern RailwaySupplement No. 4	214
Maine Central Railroad Supplement No. 4	
Michigan Central RailroadSupplement No. 4	2441
Napierville Junction RailwaySupplement No. 4	92
New Brunswick Coal and Railway Supplement No. 3	4
New York Central RailroadSupplement No. 5	191
Northern Pacific Railway (The Midland	
	317
Railway Company of Manitoba). Supplement No. 3	609
Pere Marquette Railway Standard Passenger Tariff No. 6	
Quebec Central Railway Supplement No. 3	174
Toronto, Hamilton and Buffalo Rail-	
way Supplement No. 3	1209
Wabash Railway Supplement No. 3	996
wabasa manway Supplement it	

S. J. McLEAN,

Assistant Chief Commissioner.

OTTAWA, June 9, 1921.

#### GENERAL ORDER No. 343

In the matter of the General Order of the Board No. 322, dated December 10, 1920, requiring all railway companies subject to the jurisdiction of the Board to withdraw Special Instruction "E" from their respective working time-tables and hereafter observe the Uniform Code of Rules for Canadian Railways approved by General Order No. 42, dated July 12, 1909; the necessary changes and instructions to employees to become effective June 1, 1921; and the Order of the Board No. 340, dated May 19, 1921; extending such effective date until the 15th day of June, 1921;

And in the matter of the application of the Railway Association of Canada for certain amendments to Rules 93 and 99 of the General Train and Interlocking Rules, so as to provide for the method of operation now employed by certain of its member railways under so-called Special Instruction "E."

File No. 4135.26

Upon hearing the matter at the sittings of the Board held in Ottawa, June 15, and 16, 1921, the Railway Association of Canada, the Canadian Pacific, Grand Trunk, and Toronto, Hamilton and Buffalo Railway Companies, the Canadian National Railways, the Michigan Central Railroad Company, the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Engineem, the Brotherhood of Railway Trainmen, and the Brotherhood of Railway Conductors being represented at the hearing, and what was alleged,—

The Board Orders: That the time within which the said changes and instructions may become effective be, and it is hereby, extended until the 1st day of September, 1921, or until further order of the Board.

F. B. CARVELL, Chief Commissioner.

OTTAWA, June 17, 1921.

#### GENERAL ORDER No. 344

In the matter of the consideration of the ruling of the Canadian Freight Association, as communicated to the Board by letter dated June 30, 1921, from W. C. Chisholm, K.C., that section 14 of the Board's General Inter-switching Order No. 252, dated October 26, 1918, is construed to authorize the local road haul scale of 24 cents first-class as the "ordinary published rate to the interchange."

File No. 6713, 184

Upon hearing the matter at the sittings of the Board held in Ottawa December 21, 1920, the Canadian Freight Association, Canadian Pacific Railway Company, Canadian National Railways and the Boards of Trade of Toronto and Montreal being represented at the hearing, and what was alleged,—

The Board Orders: That the words "ordinary published rate", as contained in the said section 14 of General Order No. 252, dated October 26, 1918, be construed to mean the rate that would be charged for the same movement as a local switching and not an interswitching operation.

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, June 27, 1921.

#### GENERAL ORDER No. 345

In the matter of the consideration of the question of establishing a standard track centre for the construction of divisional points, terminal sorting yards, and sidings which will provide a safe clearance for the movement of trainmen and yardmen in the performance of their duties.

File No. 28290

Upon hearing the matter at the sittings of the Board held in Ottawa, January 7, 1919, the Canadian Pacific and Grand Trunk Railway Companies, the Canadian National Railways, the Michigan Central and the New York Central Railroad Companies, the Brotherhood of Locomotive Engineers, and the trainmen and yardmen being represented at the hearing, and what was alleged; and upon reading the written submissions filed,—

The Board Orders: That tracks of all railway companies subject to the jurisdiction of the Board laid after the 1st day of January, 1922, be placed at the following minimum distances, namely:—

- 1. Main tracks.13 feet2. Main and passing tracks.14 feet
- 3. Main or running track and parallel yard tracks...... 14 feet

4.	Receiving, sorting, and classification yard tracks	13 feet 6 inches
5.	Storage tracks	13 feet 6 inches
6.	Parallel ladder tracks	18 feet
7	Ladder and other tracks	15 feet
8	Freight shed tracks	12 feet
0.	Team tracks in pairs	12 feet
10	Passenger station tracks, without platform between	13 feet
10.	I assenger station tracks, without plantorm between	

And the Board further Orders: That any such tracks now laid which are rearranged after January 1, 1922, be placed in accordance with the minimum clearances herein provided.

F. B. CARVELL, Chief Commissioner.

OTTAWA, June 23, 1921.

#### GENERAL ORDER No. 346

In the matter of the General Order of the Board No. 204, dated August 11, 1917, authorizing, for the observance of the railway companies subject to the jurisdiction of the Board which accept explosives for carriage, the Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight; and the application of the Electric Reduction Company, Limited, of Buckingham, Quebec, for a change in the said Regulations so as to permit of the shipment of phosphorus in metal containers.

File No. 1717.29

Upon reading what is filed in support of the application and on behalf of the Railway Association of Canada and the Bureau of Explosives, revised regulations in line with those approved by the Interstate Commerce Commission being recommended on behalf of the said Bureau of Explosives,—

The Board Orders: That section 1832 of the said Regulations for the Transportation of Explosives and Other Dangerous Articles by Freight, as authorized by the said General Order No. 204, dated August 11, 1917, be, and it is hereby, struck out and the following substituted therefor, namely:—

- "1832 (a) White or yellow phosphorus must be placed in water, in sealed metal vessels enclosed in wooden boxes (see Specification No. 18) or in metal drums of not exceeding 25 Imperial gallons capacity, complying with Specification No. 5: Provided that drums of not exceeding 8 Imperial gallons capacity must be constructed of full 16 gauge and drums of not exceeding 24 Imperial gallons capacity of not less than full 14 gauge.
- "(b) Amorphous (red) phosphorus must be packed in sealed metal containers enclosed in wooden boxes, complying with Specification No. 18."

F. B. CARVELL, Chief Commissioner.

OTTAWA, September 23, 1921.

#### GENERAL ORDER No. 347

In the matter of the General Order of the Board No. 258, dated November 25, 1918; and Rule 26 of the "General Train and Interlocking Rules", approved by Order No. 7563, dated July 12, 1909, providing that a blue flag by day and a blue light at night be displayed at one or both ends of an engine, car, or train for the protection of workmen engaged in, under, or around cars on regular repair tracks.

File No. 20847

Upon the report and recommendation of the Chief Operating Officer of the Board, and reading the submissions filed by the Railway Association of Canada, on behalf of the railway companies,—

The Board Orders: That the said General Order No. 258, dated November 25, 1918, be, and it is hereby, amended by striking out the words, "the day signal (flag) to be 22 by 28 inches in size," in the sixth and seventh lines of paragraph 1 of the order, and substituting therefor the words, "the day signal may be of rigid material, 22 inches by 28 inches in size, with rounded corners, painted royal blue, with a border of white on both sides, 1½ inch in width."

F. B. CARVELL,

Chief Commissioner.

OTTAWA, November 2, 1921.

#### GENERAL ORDER No. 348

In the matter of the General Order of the Board No. 271, dated September 10, 1919, with respect to the Canadian Freight Classification and the Express Classification for Canada, and sections 322 and 360 of the Railway Act, 1919.

File No. 25639

Upon reading the submission filed,-

The Board Orders: That the said General Order No. 271, dated September 10, 1919, be, and it is hereby, amended by adding at the end of page 2 of the order the words, "The Canadian Traffic League."

F. B. CARVELL,

Chief Commissioner.

OTTAWA, November 10, 1921.

#### GENERAL ORDER No. 349

In the matter of the application of the Canadian Manufacturers' Association, Canadian Retail Coal Dealers' Association, Canadian Pulp and Paper Association, Dominion Millers' Association, Western Retail Lumbermen's Association, Canadian Lumbermen's Association, Retail Merchants' Association of Canada, Premier Potato Company, Limited, the A. B. Cushing Lumber Company, Limited, The Steel Company of Canada, Limited, The Canadian Traffic League, The Ontario Retail Lumber Dealers' Association, Boards of Trade of Toronto, Peterborough, Hamilton, Montreal, Halifax, and Vancouver requesting the

Board to call upon the railway companies and the Canadian Car Demurrage Bureau to show cause why the charges contained in Rule 9 of the Canadian Car Demurrage Rules should not now be reduced to the normal rate of \$1 per car per day.

File No. 1700

Upon hearing the application at the sittings of the Board held in Ottawa, June 21, 1921, the applicants, the Railway Association of Canada, the Canadian Car Demurrage Bureau, and the Canadian Pacific and Grand Trunk Railway Companies being represented at the hearing, and what was alleged; and upon reading the written submissions filed,—

The Board Orders: That rule 9 of the Canadian Car Demurrage Rules, as prescribed by the general order of the Board No. 201, dated August 1, 1917, be, and it is hereby, amended by striking out all the words after the word "released", in the second line thereof, and substituting therefor the words:—

"For the first day, or fraction thereof, of delay...........One dollar.
"For the second day, or fraction thereof, of delay.........One dollar.
"For the third and each succeeding day, or fraction of a day....Five dollars."

Effective December 5, 1921.

F. B. CARVELL,

Chief Commissioner.

Ottawa, November 23, 1921.

#### GENERAL ORDER No. 350

In the matter of the increases in freight rates and sleeping and parlor car fares, authorized under the General Order of the Board No. 308, dated September 9, 1920:

And in the matter of the Board's powers under section 325 of the Railway Act, 1919.

File No. 31214

Whereas the Board has decided that there should be a general reduction in the tolls which were increased under its General Order No. 308, dated September 9. 1920,—

It is ordered as follows:—

1. That the railway companies operating steam railways subject to the jurisdiction of the Board file tariffs, effective December 1, 1921, providing for the following reductions in domestic freight rates within Canada, excepting transcontinental commodity rates (hereinafter mentioned) and rates on coal, crushed stone, sand, and gravel, as follows:—

(a) In the territory east of and including Westfort, Fort William, and Port Arthur, Ont., rates based upon twenty-five per cent over the rates in effect prior to

September 13, 1920.

(b) In the territory west of and including Port Arthur, Fort William, and Westfort, Ont., rates based upon twenty per cent over the rates in effect prior to September 13, 1920.

(c) On through rates between eastern and western territories, the above named

percentages shall apply to the eastern and western factors respectively.

(d) Recognized differentials in commodity rates to be preserved as far as practicable.

(e) Transcontinental commodity rates shall be constructed on the basis of an increase of twenty-three and one-third per cent over the rates in effect prior to September 13, 1920.

2. That sleeping and parlor car fares be reduced to the basis of twenty-five per

cent over the fares in effect prior to September 13, 1920.

3. Provided that no rates at present in effect be increased under the provisions of this general order.

#### And it is Further Ordered:

4. That this order shall not apply to the minimum class scale established by Order in Council P.C. 1863, nor to switching rates and charges for special services, such as milling-in-transit, stopover, demurrage, and weighing.

5. That, in working out the rates authorized under this order, fractions be dis-

posed of as set out in the said Order in Council P.C. 1863.

F. B. CARVELL, Chief Commissioner.

OTTAWA, November 24, 1921.

#### GENERAL ORDER No. 351

In the matter of the General Order of the Board No. 350, dated November 24, 1921, providing for certain reductions in domestic freight rates, excepting transcontinental commodity rates, within Canada; also in sleeping and parlor car fares.

File No. 31214

The Board Orders: That the said General Order No. 350, dated November 24, 1921, be, and it is hereby, amended by adding the following clause to paragraph 1 of the order, namely:—

"(f) That rates on cordwood, slabs, edgings, and mill refuse for fuel purposes be restored to the basis in effect prior to September 13, 1920."

F. B. CARVELL, Chief Commissioner.

OTTAWA, November 26, 1921.

#### GENERAL ORDER No. 352

In the matter of the application of railway companies subject to the jurisdiction of the Board for approval of reduced standard freight tariffs of maximum mileage tolls to become effective December 1, 1921.

File 31214.12

Whereas standard freight tariffs have been filed by the undermentioned railway companies, to become effective December 1, 1921, on the reduced basis prescribed by Jeneral Order of the Board No. 350, dated November 24, 1921,—

Chief Commissioner.

The Board Orders: That the following standard freight tariffs of maximum tolls be, and they are hereby, approved; the rate scales of the said tariffs to be published in at least two consecutive weekly issues of the Canada Gazette preceded by the following notice:—

"The undermentioned standard freight tariffs having been filed for the approval of the Board of Railway Commissioners for Canada, and having been found by the Board to be in accordance with its General Order No. 350, dated November 24, 1921, and having been approved by the General Order of the Board No. 352, dated December 1, 1921, the rate scales thereof are hereby published."

published.	C.R.C. No.
Algoma Central and Hudson Bay Railway	579
Algoma Eastern Railway	320
Atlantic, Quebec and Western Railway Supplement No. 1 to	83
Boston and Maine Railroad	2088
British Columbia Electric Railway	191
Canadian National Railways\Supplement No. 1 to	E-177
Supplement No. 1 to	E-178
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Canadian Pacific Railway	(E-3904
Canadian Lacine Ranway	W-2613
Central Canada Railway	74
Central Vermont Railway	1647
Cumberland Railway and Coal Company	14
Dominion Atlantic Railway	688
Edmonton, Dunvegan and British Columbia Railway	158
Esquimalt and Nanaimo Railway	498
Essex Terminal Railway	600
Fredericton and Grand Lake Coal and Railway Sup. No. 5 to	103
Glengarry and Stormont Railway	178
Grand Trunk Railway	E-4576
Grand Trunk Pacific Railway	485
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Great Northern Railway	∫1736
	1737
	1738
Kettle Valley Railway	283
Maine Central Railroad	C-2087
Michigan Central Railroad	3066
Napierville Junction Railway	246
New Brunswick Coal and Railway. Supplement No. 5 to	70
New York Central Railroad	$\int 2475$
	2476
Pere Marquette Railway	2364
Quebec Central Railway	806
Quebec, Montreal and Southern Railway	750
Quebec Oriental RailwaySupplement No. 1 to	101
Temiscouata Railway Supplement No. 1 to	413
Thousand Island Railway	403
Toronto, Hamilton and Buffalo Railway	1329
Toronto Suburban Railway	7
F. B.	CARVELL,

OTTAWA, December 1, 1921.

#### CIRCULAR No. 191

February 8, 1921.

Case No. 4704

RULES FOR WIRE CONSTRUCTION ALONG OR ACROSS RAILWAYS OR ACROSS OR NEAR OTHER LINES, WIRES, CONDUCTORS, STRUCTURES OR APPLIANCES

Referring to circular No. 186, dated January 5, 1920, applying General Order No. 231, dated May 6, 1918, and the conditions and specifications thereby approved,

to construction along as well as across the railway.

Since section 372, subsection 1 (b) applies to construction across or near other lines, wires, conductors, structures, or appliances within the legislative authority of the Parliament of Canada, where, therefore, the construction, whether along or across the railway or across or near other lines, wires, conductors, structures, or appliances, is by consent and in accordance with the Standard Conditions and Specifications set out in the schedule to General Order No. 231, and approved by that order, no further leave of the Board is necessary.

A. D. CARTWRIGHT.

Secretary.

#### CIRCULAR No. 192

EXPLOSION OF LOCOMOTIVE BOILERS

June 15, 1921.

File 16513

Some time ago there was an explosion in the boiler of a locomotive, and, upon the arrival of the Board's Inspector, it was found that the water glass mountings, all gauge cocks, and left top check had been taken off the boiler and forwarded to the company's offices.

When such accidents occur in future, the Board desires it to be distinctly understood that the appurtenances in connection with the water supply of the locomotive poiler must not be removed from the boiler and in no way interfered with until after

the Board's Inspector has completed his inspection.

In this connection reference is made to clause 50 of the Board's General Order No. '8, requiring the railway company concerned to send to the Board's Chief Operating Officer, at Ottawa, a telegraphic report of such occurrences, and stating where the ocomotive may be inspected.

By Order of the Board,

A. D. CARTWRIGHT,

Secretary.

#### CIRCULAR No. 193

August 12, 1921.

HAND-HOLDS OVER THE DOORWAYS, INSIDE OF BAGGAGE, MAIL AND EXPRESS CARS

A recent investigation held by the Board's Operating Department into a serious eident discloses the fact that hand-holds over the doorways, inside of baggage, mail id express cars, etc., are not at all times secured to the frame of the cars as they ould be; nor do they comply with the safety regulations prescribed in General der No. 102.

The attention of the railway companies is called to this condition and they are requested to have their equipment looked over as quickly as possible and strengthen the means of fastening these hand-holds, where necessary, so that a repetition of the accident referred to above will be guarded against.

By Order of the Board,

A. D. CARTWRIGHT,

Secretary.

#### CIRCULAR No. 194

Ottawa, October 19, 1921.

Re DUTIES OF RAILWAY COMPANIES AS TO FENCING

File No. 27920.1

Numerous complaints are being made to the Board as to inefficient fencing by railway companies along their right of way, and it appears to the Board that, in many cases, these complaints are being viewed from the wrong standpoint.

For many years prior to 1911, the Railway Act contained a provision that, in some cases, fencing was not required unless specifically so ordered by the Board. This is found in the Railway Act, 1906, section 254, subsection (4). which reads as follows:—

"254. (4) Whenever the railway passes through any locality in which the lands on either side of the railway are not inclosed and either settled or improved, the company shall not be required to erect and maintain such fences, gates and cattle-guards unless the Board otherwise orders or directs."

By chapter 22 of the Acts of 1911, section 9, subsection (4) of section 254 was repealed, and the following enacted in lieu thereof, viz:—

"4. The Board may, upon application made to it by the company, relieve the company, temporarily or otherwise from erecting and maintaining such fences, gates and cattle-guards where the railway passes through any locality in which, in the opinion of the Board, such works and structures are unnecessary."

This is found in the present Railway Act as section 274, subsection (4).

It will thus be seen that it is the duty of every railway company to fence every portion of its right of way unless specifically relieved from so doing by an order of the Board, and, in the future, the Board is of opinion that, whenever an application is made for fencing, it should go as a matter of right, unless the railway company can show valid reasons why they should be brought under the provisions of the present Act, section 274, subsection (4).

By order of the Board,

A. D. CARTWRIGHT,

Secretary.

CIRCULAR No. 195

OTTAWA, October 25, 1921.

FREIGHT RATE CHANGES

File No. 606.1

The Board is of the opinion that it should have available each day a condensed statement of proposed rate changes in freight tariffs as filed. The railways subject to the Board's jurisdiction are, therefore, requested to file in triplicate, with the filing

advice, a statement which shall show, in connection with schedules which advance or reduce rates formerly in effect, the following information:—

(a) The C.R.C. number of the tariff or supplement.

(b) The effective date.

(c) The commodity affected (if published under an item number, proper reference thereto to be given).

(d) The points from, to or between which the rates apply.

(e) The amount of increase or decrease.

(f) A concise statement of the reason for the rate changes.

If changes are made in regularly scaled class tariffs, a statement of the increase or decrease in the first-class rate will be sufficient.

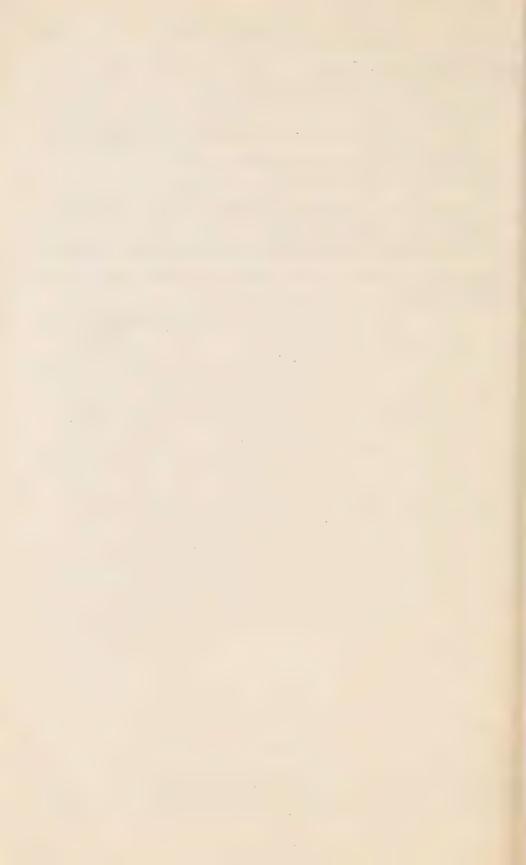
If there is a general revision of class rates, such as those resulting from consolidation of railways, shortening of lines, new routes, etc., a general statement will be sufficient.

These statements should be headed "Freight Rate Changes," and should be numbered consecutively.

By order of the Board.

A. D. CARTWRIGHT,

Secretary.



#### INDEX TO JUDGMENTS

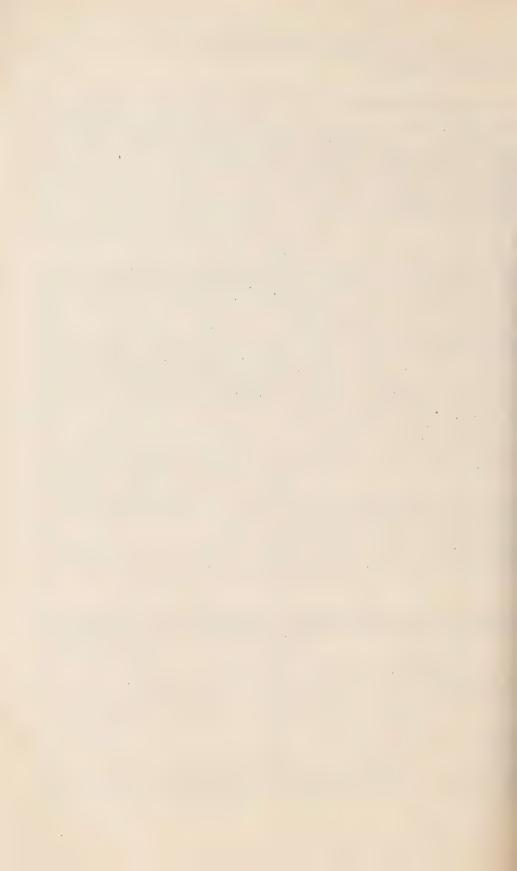
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## EIGHTEENTH REPORT

OF THE

# BOARD OF RAILWAY COMMISSIONERS FOR CANADA

FOR THE YEAR ENDING DECEMBER 31

1922

PRINTED BY ORDER OF PARLIAMENT



F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1924



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## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

Hon. F. B. CARVELL, K.C., Chief Commissioner.

S. J. McLean, M.A., Ll.B., Ph.D., Assistant Chief Commissioner.

Hon. W. B. NANTEL, K.C., LL.D., Deputy Chief Commissioner.

A. C. Boyce, K.C., Commissioner.

J. G. RUTHERFORD, C.M.G., Commissioner.

C. LAWRENCE, Commissioner.

A. D. CARTWRIGHT,

Secretary.

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#### REPORT

OF THE

### BOARD OF RAILWAY COMMISSIONERS

### FOR CANADA

To the Governor in Council:

Pursuant to the provisions of section 31 of the Railway Act, 1919, the Board of Railway Commissioners for Canada has the honour to submit its Eighteenth Report for the year ending December 31, 1922.

Since the publication of the last report the following amendment has been

made to the Railway Act. 1919:-

12-13 GEORGE V.

#### CHAP. 41.

AN ACT TO AMEND THE RAILWAY ACT, 1919.

(Assented to June 28, 1922.)

HIS MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection five of section three hundred and twenty-five of the Railway Act, 1919, shall, notwithstanding the proviso thereof, remain in effect until the sixth day of July, 1923, and may be continued in force for a further period of one year by order of the Governor in Council published in the Canada Gazette; Provided, that notwithstanding anything herein or in said subsection five contained, rates on grain and flour shall, on and from the sixth day of July, 1922, be governed by the provisions of the agreement made pursuant to chapter five of the statutes of Canada, 1897.

#### PUBLIC SITTINGS OF THE BOARD

During the year covered by the period from January 1, 1922, to December 31, 1922, the Board held 52 public sittings at which 204 applications were heard. The number of public sittings held in the various provinces were as follows:—

Provinces	Number.
Ontario	
Quebec	5
Manitoba	
Saskatchewan	2
Alberta	
British Columbia	6
Nova Scotia	1
New Brunswick	1
Total	52

The applications include a great variety of matters falling within the jurisdiction of the Board under the Railway Act, varying from the complaint of a private individual to weightier matters of general public interest affecting the community as a whole.

#### FORMAL AND INFORMAL MATTERS

The number of informal matters dealt with by the Board, as distinguished from matters heard at public sittings, constitute a considerable percentage of the total applications and complaints dealt with by it, that is to say, of a total of 3.348 applications and complaints received and dealt with by the Board 94 per cent were disposed of without the necessity of such formal hearing. These informal complaints, dealt with and settled without the necessity of hearing, entail in many instances a considerable amount of inquiry and consideration on the part of the Board's officials, and cover a wide range of subjects, as, for example, a complaint of a more or less trivial nature to a matter of general public interest affecting the community as a whole, or involving the application of some general principle, regarding the railway rates.

#### RAILWAY GRADE CROSSING FUND

In accordance with the provisions of subsection (5) of section 262 of the Railway Act, 1919, provision was made that the sum of \$200,000 each year, for ten consecutive years from the 1st day of April, 1919, was appropriated and set apart from the consolidated revenue fund for the purpose of aiding in the providing by actual construction work of protective safety, and conveniences for the public in respect of highway or crossings of the railway at rail level, in existence on the said 1st day of April, the said sums to be placed to the credit of a special account to be known as "The Railway Grade Crossing Fund," to be applied by the Board, subject to certain limitations set out in the Act, solely towards the cost (not including that of maintenance and operation) of actual construction work for the purpose specified.

In dealing with such crossings, the Board issued, between the 1st day of April, 1909, and the 31st day of December, 1922, 505 orders, providing protection for 563 crossings as follows:—

By	Electric bells	262
66	Gates	
"	Subways	116
66	Subways.:	55
25	Overhead bridges.	25
66	Diversion of mgnways.	40
	Clusing of Streets.	17
6.6	itemoval of view obstructions.	14
66	Shelter	1
66	Towers	3
66	Wig-wags	3
46	Wig-wags.	9
66	Bell and wig-wag.	49
66	Diversion of highway and hindge.	1
"	Diversion of highway and subway.	1
	Diversion nighway and removal view obstruction	1
66	Bell and removal view obstruction.	î
66	Easing curve on approach to highway bridge.	1

It will be seen by comparing the total number of crossings protected with the Seventeenth Annual Report of the Board, that the increase for the twelve months ending December 31, 1922, in the number of crossings protected, number 36, made up as follows:—

Bv	Cates	
11	GatesSubways	1
		1
	DIVERSION INSTRUCTOR	5
		7
	TOCHIOVAL VIEW ODSELUCATOLL.	6
	11 15 W 05 ** ** ** ** ** ** ** ** ** ** ** ** **	1
	DOII and Wig-Way.	00
"	Diversion highway and bridge.	23
"	Easing curve on approach to highway bridge.	1
	approach to highway bridge	-1

Note—Thirty-six crossings and 46 protections consequent on account of double bells and wig-wags at 6 crossings, and 4 diversions closing 7 crossings.

It will be noted that under the new consolidated Railway Act provision is made that the total amount of money to be apportioned and directed and ordered by the Board to be payable from the annual appropriation, shall not in the case of any one crossing exceed twenty-five per cent of the cost of the actual construction work in providing such protection, and shall not in any such cases exceed the sum of \$15,000, and that no such money shall in any one year be applied to more than six crossings on any one railway in any one municipality, or more than once in any one year to any one crossing.

Subsection (3) of section 262 of the consolidated Railway Act provides that in case any province contributes towards the said fund, the Board may apportion, direct and order payment out of the amount so contributed by such province, subject to any conditions and restrictions made and imposed by such

province in respect of its contribution.

#### GENERAL ORDERS

The following is a brief summary of some of the matters dealt with under the Board's general orders:—

Direction in the matter of the appointment of caretaker agents at non-agency stations, that the duties of a caretaker shall be to see that the station is kept clean and, when necessary, heated and lighted for the accommodation

of passengers, and to be present on the arrival and departure of trains; such duties to be the same as those of a regular station agent excepting the billing

of freight and handling the telegraph system.

Direction in the matter of an application of the Order of Railroad Conductors of America and Brotherhood of Railway Trainmen by providing that the Board's General Order No. 102, dated February 17, 1913, be amended by striking out the provision under the heading "Caboose cars with platforms" and inserting therefor the following:—

"Caboose Platform-Steps:

"Safe and suitable open, or box, steps leading to caboose platforms to be

provided at each corner of caboose.

"Where open steps are used, the bottom tread of said steps to be provided with a right and left foot-stop at each end of tread, made of angle iron  $3\frac{1}{2}$  by  $2\frac{1}{2}$  by  $\frac{1}{4}$ -inch; the  $2\frac{1}{2}$ -inch face of angle iron to be bolted to the step."

Direction in the matter of the application of the Canadian National Millers' Association and the Dominion Millers' Association for an order suspending the tariffs or supplements to the tariffs filed with the Board in pursuance of its General Order 354, dated January 4, 1922, increasing the rates for out-of-line haul for western grain milled in Western Canada, that the said tariffs be suspended from the effective dates, with leave to the railway companies to apply to the Board for any adjustment of rate if necessary.

Direction in the matter of applications to the Board in respect to railway crossings of highways in the Provinces of Manitoba, Saskatchewan, Alberta and British Columbia, to the effect that the Railway Companies serve copies of notices of all applications to the Board with respect to railway crossings of highways in the said provinces and outside the limits of incorporated cities or towns thereof, upon the representatives of the Government of the said provinces

as set out in the Board's General Order No. 358.

Direction that every railway company subject to the jurisdiction of the Board, within six days after the head officers of the company have received information of the occurrence upon the railway belonging to it, or operated by it, of any accident attended with personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct, or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, to give notice thereof to the Board, such notice te be addressed to the Chief Operating Officer of the Board, and to be printed on hard paper in the forms "A" (relating to highway crossing accidents only) and "B" (relating to accidents other than those occurring at highway crossings). schedules to this order; such reports to refer to such accidents as above specified as occur as a result of transportation, that is to say, where movements of trains, engines, or cars are involved therein, and not to accidents occurring in railway shops, or manufacturing establishments, or other places on the railway. unless caused directly or indirectly by train, engine, or car movements; also directing that certain accidents as set out in the Board's General Order No. 361 shall be reported to the Board's Chief Operating Officer at Ottawa by telegram. containing the information called for in the order.

Direction in the matter of the Board's General Order No. 107 prescribing regulations to be adopted by railway companies for the prevention of fires, that certain Orders of the Board as enumerated under said General Order No. 362 of cancelled and that, unless exempted by special order of the Board, every railway company subject to its jurisdiction shall cause all locomotives and other

portable boilers, other than those using oil as fuel, used on the railway, to be fitted and kept fitted in good order with practical and efficient devices for arresting the escape of sparks or live coals, as set forth in said General Order No. 362; and making numerous other provisions in regard to fire protective appliances on locomotives; also providing that every railway company allowing or permitting the violation of, or in any respect contravening or failing to obey said regulations, be subject, in addition to any other liability which the said company may have incurred, to a penalty of one hundred dollars for every such offence; also that if any employee or other person included in the said regulations, fails or neglects to obey the same, or any of them, he shall, in addition to any other liability which he may have incurred, be subject to a

penalty of twenty-five dollars for every such offence.

Direction for the making of periodical returns, duly verified by affidavit to the Board in respect of the carriage of traffic at free or reduced rates under the Railway Act, issued by the companies subject to the Board's jurisdiction, that all railway companies in default in filing details of returns as provided by the Act, for 1920, not excepted by the Board as set forth in its General Order No. 365, be required to file such details not later than the 1st day of October, 1922; also making provision for the filings for the years 1922 and 1923, and directing that the returns be made quarterly, and that all railway companies failing to comply with the requirements of the Board's Order be subject to a penalty of \$100 a day for every day in which a railway company shall be in default; also directing that all railway companies in default in filing returns in respect of which the specific date is set out in the regulations as approved by General Order No. 290, for the year 1922, be required to file the same not later than October 1, 1922, and thereafter on or before the 1st day of January for each succeeding year; and that every such railway company shall be subject to a penalty of \$100 a day for each violation of the said Regulations.

Direction of the Board in the matter of freight tolls 1922, that all railway companies subject to its jurisdiction be required to file forthwith tariffs giving effect to the rates prescribed and authorized in the Board's judgment of the 30th June, 1922, and making the effective date of the said rates August 1, 1922.

Direction that rule No. 33 of the General Train and Interlocking Rules be

struck out and the following substituted therefor, namely:

"33. Watchmen stationed at public road crossings must, by day, display a metal disc (16 inches in diameter, white background, with the word 'stop' in large black letters, and a black border); and, by night, a red light, to warn pedestrians and persons in vehicles that a train is approaching. Where gates are provided, a red light, hooded so as to show to the highway only, must be displayed by night."

#### GENERAL DECISIONS AND RULINGS OF THE BOARD

Submitted herewith, epitomised, are some of the more important matters dealt with by the Board at its public sittings for the year ending December 31, 1922. The principal judgments of the Board will be found under appendix "A" to this report.

COMPLAINT OF THE ASSOCIATED BOARDS OF TRADE, VANCOUVER ISLAND,  $et\ al,\ re$  Coast rates on lumber in carloads

These were, in effect, an application that main land coast rates on lumber, in carload lots, be extended to Vancouver Island points. The complaint was based largely upon the ground that the present arbitrary of 2 cents per 100

pounds amounted to unjust discrimination against Vancouver Island shippers, as lumber shippers from Port Townsend and Port Angeles, in the state of Washington, both on the main land, took the Seattle rate, which was the same as the Vancouver rate; and that, as Vancouver island lumber had to compete in the United States markets with lumber from these two points in the state

of Washington, Vancouver was discriminated against.

While, as a business necessity, there is much similarity between American and Canadian rates, particularly with regard to transcontinental traffic, there is no obligation to follow any rate established in the United States. Apart from this fact it was pointed out that the United States rates in question were the result of competitive conditions. The real question involved here was whether the railway companies should be required to include the whole of the British Columbia coast and the island of Vancouver in one group for rate making purposes, and whether the railways were justified in considering this particular traffic as one zone or two zones as at present.

Held, it was for the railway companies to decide whether the traffic in question be considered as one or two zones, subject always to the control vested in the Board to say whether the rates per se were just and reasonable, and whether or not any particular community had been unjustly discriminated against. No such discrimination had been established, and the rate of \$12 to \$15 a car found to be a reasonable one for transporting lumber by barge from

Vancouver island to the main land.

Application dismissed.

#### APPLICATION BELL TELEPHONE COMPANY FOR INCREASED TOLLS

The tariff submitted for approval involved substantial increases in telephone tolls, extending over the whole of the exchange area. The grounds upon which the application was based were (a) that the existing rates did not produce sufficient revenue to meet the company's dividend requirements, as contemplated by the previous judgment of the Board; (b) that, owing to inadequate earnings, it was impossible to obtain the money necessary to enable the company to extend its facilities; (c) that approximately sixteen thousand applications for service could not be supplied, owing to the general shortage in equipment; and (d) that large capital outlays are necessary if the public is to obtain telephone service.

The onus of establishing the fairness, justice, or reasonableness of a tariff rests upon the company proposing it. History of the company's position and its previous applications to the Board for increases discussed. The increases formerly allowed were to meet emergency conditions. These emergency conditions, it was held, no longer existed; that if strict economy in the management of its business was practised, increases not necessary to enable company to

provide for its operating requirements.

Figures were given to show that the deficit alleged would not have resulted had the economies ordered by the company become effective earlier. Found as a fact upon the evidence that the company had not discharged the onus resting upon it that the proposed tariffs were such as would be suitable, just, and reasonable for telephone service in the various areas affected. Extension of the company's business discussed and considered, and the conclusion formed that its estimate of \$1.357.500 as the additional amount required was excessive. That the maximum amount needed to implement the requisite revenue to meet all its requirements was \$600.393; and that, had the economies, effecting in five months decreases of \$263,691.98 in operating expenses, been earlier introduced as was possible, the deficit would have been met.

Held, for the reasons set forth in the judgment of Mr. Commissioner Boyce, concurred in by Deputy Chief Nantel and Commissioner Lawrence, that the application must be refused.

Chief Commissioner Carvell (dissenting), took the position that as a public utility corporation, the applicants could only charge the tolls or rates which the Board approved, and that therefore it should be allowed a sufficient rate to meet operating and maintenance charges. A four per cent reserve for depreciation, an 8 per cent dividend, and 2 per cent surplus, as decided by the Board in its previous judgment after careful consideration, always assuming that the business of the company was efficiently and economically managed. The evidence was that the applicant company was so managed.

View expressed that, upon the evidence before the Board, the company would be \$600,000 short at the end of a twelve months' period, of the requirement set forth by the Board in its earlier judgment, if the present rates were continued and no increases allowed; that the company itself was the proper judge as to

the method of financing to be adopted.

Operating costs, with particular reference to the wages paid, discussed, and the opinion expressed that, even with the economies referred to in the majority judgment, there would be a deficit of \$500,000. This amount could only be produced by reducing the wages of operators and other employees, or by increasing the rates. Since it was not shown that the wages were unduly high, but fair and reasonable, the deficit should be made up by increasing the rate. In view of the decision of the majority of the Board, it was not necessary to enter into any statement as to how this amount of money should be raised, other than to say that there were a number of places in the territory covered by the applicant company in which the rates were abnormally low, and that these could be brought up somewhere near the position they should occupy.

An order, in his opinion, should go granting an increase to produce \$600,000

a year.

Assistant Chief Commissioner McLean (dissenting)—The former decisions of the Board referred to. The present application sets out that the existing rates do not produce sufficient revenue to meet the company's dividend requirement, and therefore do not carry out the intent of the Board's previous judgment and order; also that because of this condition, it is impossible for the company to obtain the additional money necessary to finance essential additions to facilities. To protect investment there must be a surplus of revenue over and above the necessary and proper charges of the company under prudent management. This whole question thoroughly gone into and decided in former cases. If the same conditions exist to-day, the principles applied in these cases have a bearing on the present case, and should be given weight to.

The company's dividend rate was not, in the former hearing, treated as an emergency rate, nor was it so regarded by the expert witnesses called by those opposed to the Bell Company's application. Eight per cent was admitted to be a reasonable and proper rate, taking all things into consideration. It is therefore a continuing factor. Two factors, surplus and depreciation, were treated as emergency conditions. The item for surplus was cut in two, leaving a surplus of 2 per cent. A rate of 4 per cent on the average depreciable plant, computed to be approximately 3.64 per cent on the whole plant, was the depreciation

ratio allowed.

Unable to agree with the position that the emergency situation no longer exists. The Board, in retaining the conduct of the case, still calls for returns based on the surplus and the depreciation ratio being limited. So far as these

factors are limited by the Board's action, and so long as the Board does not declare them to be factors based on normal conditions, instead of emergency ones, the existing situation cannot be regarded other than as an emergency one. Board should be satisfied, before allowing any increase, that the management of the company is a reasonable and prudent one. The evidence is that the company is well and economically managed. No evidence submitted that the wages paid were excessive. Finds that the company falls some \$600,000 short of the revenue the Board intended by its earlier judgment it should receive.

For full text of judgment see appendix "A."

APPLICATION OF THE CANADIAN MILLERS' ASSOCIATION et al, in re SUSPENSION OF TARIFFS OR SUPPLEMENTS TO TARIFFS ISSUED IN ACCORDANCE WITH GENERAL ORDER NO. 354.

Chief Commissioner Carvell.—General Order No. 354 required all railway companies subject to the jurisdiction of the Board to file tariffs showing a charge of one cent per 100 pounds for the stop-over privilege on grain for storage, milling, malting, or other treatment, such privilege to be granted for

all grain produced in Canada.

The milling in transit case, upon which General Order 354 was based, did not purport, nor was it intended in any way, to interfere with existing rates for out of line haul. The direction, therefore, was that the supplementary tariffs filed by the railway companies, to the extent they applied to the out of line haul on western grain, be suspended, with leave to the transportation companies to apply to the Board for a readjustment of rates if the same be necessary.

APPLICATION OF THE ROBIN HOOD MILLS, LIMITED, MOOSE JAW, in re MILLING IN TRANSIT.

Assistant Chief Commissioner McLean.—Sections 1 and 2 of General Order No. 234 provided as follows:—

"1. That with respect to all grain originally shipped prior to March 15, 1918, the said grain, or the produce thereof, reshipped within six months from the stop-over point shall be entitled to the balance of the through rate existing at the time of the original shipment of the grain

under the transit tariffs applicable."

"2. That with respect to all wheat originally shipped on and after the 15th day of March, 1918, the said wheat, or the product thereof, reshipped from the stop-over point west of Fort William before the 1st day of June, 1918, to destinations west of and including Port Arthur and Armstrong, shall be entitled to the balance of the through rate to the said destinations existing at the time of the original shipment of the wheat under the transit tariffs applicable."

A flat fifteen per cent advance was allowed by the Board in what is known as "The Fifteen Per Cent Case", on grain, flax seed and other products, in carloads, in the West, other than the rates to the Lake Superior ports and intermediate points held down by the terminal rates, the effective date of which was postponed until March 15, 1917.

The confusion was with regard to the rate to be applied to grain shipped to and stored in interior terminal elevators prior to March 14, 1918, and later

reloaded and forwarded to the terminals at Port Arthur and Fort William, the applicants claiming that such reshipments should be at the old rate, the railways that the new rate applied.

Written submissions, both pro and con, were filed, and a hearing, at which

the applicants and the railways were represented, finally had.

The position taken by the parties fully set forth in the reasons for judgment. The ruling was that the words, "to final destination", in rule 6-A of the tariff in force when the shipments in question originated, read in connection with the provisions as to reshipments made to Westport, Fort William, Port Arthur and points east thereof, meant the through rate, the inception of which in point of time as defined by the said General Order No. 234 applied to final destination, even if that destination be east of Fort William or Port Arthur.

APPLICATION OF THE CANADIAN NATIONAL MILLERS' ASSOCIATION in re EXPORT RATES ON GRAIN PRODUCTS.

The applicants asked that when freight rates were advanced or reduced on grain, the same rates should apply to the products thereof, to prevent discrimination, which it was alleged at present exists.

The situation was that the existing spread in rates facilitated the moving of Canadian wheat to England, which there is ground into flour, to the dis-

advantage of the Canadian miller.

Held, that while, as a matter of trade policy, it may be advantageous to export the milled product in preference to the unmilled grain, the Board has to approach the matter not from the standpoint of trade, but from the rate standpoint, and has to deal with the question whether the existing rate arrangement is discriminatory, and also whether the rate attacked is unreasonable in itself,

It was brought out in evidence that there was a big movement of Canadian wheat from Buffalo. Three questions involved, namely: (1) Should the rate via Buffalo be taken as a measure of what the export rate to West St. John should be? (2) Are there especial competitive conditions holding down the grain rate? (3) If so, is the flour rate, for export via West St. John, as charged. (3) If so, is the flour rate, for export via West St. John, as charged, unreasonable in itself?

It was established that certain competitive conditions had to be met in the case of wheat. The contention was that flour should be treated the same way. Held, that there were special competitive conditions operating in respect to wheat which were not applicable to flour, and that the spreads in rates did not work an undue preference to wheat or an unjust discrimination against flour on the export movement concerned.

Rates on grain and wheat from bay ports to West St. John and Montreal compared, and the effect of the increase allowed under the Board's orders, and

the terminal charges on the said rates, considered and discussed.

Held, the existing rate on flour to West St. John not unreasonable.

For full text of judgment see appendix "A".

APPLICATION EXPRESS TRAFFIC ASSOCIATION OF CANADA FOR APPROVAL OF SUPPLE-MENT "B" TO THE EXPRESS CLASSIFICATION.

Supplement "B" to Express Classification No. 5 proposed certain eliminations in respect of the item of returned empties. The grounds upon which it was based were that there had been a disproportionate increase in the volume of returned empties as compared with the actual paying traffic movement, that there had been a considerable increase in the movement of light and bulky

returned packages, and that this did not yield from the returned empty payment

revenue commensurate with the space occupied.

The principle in regard to the charge on returned empties, namely, at one-half the rate per 100 pounds charged when full, was decided in the Board's Express Judgment of 1910 after very careful consideration, and that practice continued ever since.

Held, that the Express Traffic Association had not made out a case for the amendment of the classification in regard to returned empties as proposed by it.

Assistant Chief Commissioner McLean delivered the judgment of the Board

APPLICATION NATIONAL DAIRY COUNCIL OF CANADA in re CANCELLATION OF 20 PER CENT INCREASE IN EXPRESS RATES ON CREAM.

Chief Commissioner Carveli delivered the judgment of the Board. The application was for a reconsideration of the 20 per cent increase on cream allowed by the Board's Order No. 327. The application was refused, and an appeal from the Board's refusing order was taken to the Governor in Council. The Governor in Council referred the appeal to the Board for further consideration as to whether or not, first, there should be a reduction on the various other classes of merchandise comprised in the "commodity" group, and if the Board is of opinion that a general reduction of the "commodity" rates cannot consistently be made, then and in such case a specific rate should be fixed for cream.

A further hearing was had by the Board. It has not been the practice to adopt as a principle of rate making that the rate should depend upon the price of the commodity. In other words, that a reduction in the price of the commodity has automatically to carry with it a reduction in the rate. If that principle applied it would logically follow that an increase in the price of commodities would automatically increase the rate. The value of the commodity has a bearing on the fixing of a rate, but an important factor is the cost to the trans-

The investigation covered the question of the transportation of the various classes of goods included in "commodities". The arrangement between the different express companies and the railways, under which the express companies operate, as also the cost of carriage and the evidence upon these points, discussed

and considered.

In arriving at a conclusion as to whether a rate may be reduced or not, or whether the rate is reasonable, regard must be had to the business methods employed by the company in carrying on its business, the wages of its employees, and, generally, that the business is conducted in a reasonable, economical, and business-like manner. It was established that the commodity rates on cream are the lowest of any express rates in existence in Canada—much lower than the first-class freight rate.

Application dismissed.

For full text of judgment see appendix "A".

portation company for adequately performing the service.

APPLICATION CARROLL BROTHERS, OF BUFFALO, N.Y., Te CHARGES FOR SIDING

Judgment, Assistant Chief Commissioner McLean, concurred in by Chief Commissioner Carvell, Deputy Chief Commissioner Nantel, and Commissioners Boyce and Rutherford.

The application asked that the Board fix the charges for the siding into the applicant company's property, and alleged that the charges made by the Grand Trunk Railway Company in respect of the siding discriminated against

the applicants and in favour of their competitors in the business, the Empire Limestone Company, of New York. The applicants are in competition in business with the Empire Limestone Company, and the siding rental

charges to the latter company being less than those of the applicants.

The siding and extensions were constructed under agreements between the applicants and the railway company, by the terms of which the applicants were to provide the lands necessary for the spur outside the lands owned by the railway company, and to complete all the works of grading, including culvert and trestle work, which might be required, and also to provide all ties and other materials, the railway company to provide the rails, switches, frogs, fastenings, and signals, and all other iron and steel material needed in the construction of the siding. The company was to lay the track at the expense of the applicants. the applicants to pay to the company interest at the rate of 6 per cent per annum on the value of the rails, switches, etc. The siding is referred to in the judgment as a branch built on the basis of a co-operative construction.

The Board's jurisdiction under the branch lines and industrial spur clauses considered. Held, that the Board had no power to compel the construction of a branch line to serve an industry, under sections 180 to 184 of the Railway Act, 1919; that the cases have decided that a spur line constructed under these clauses does not become part of the railway of the company where the branch is built on the basis of a co-operative construction, already referred to, that, in order to make a branch line part of the railway, it is necessary to use expropriatory powers, that is to say, the railway, acting on the part of the individual concerned, may take steps to expropriate and incorporate the branch line in its own system. The Board has no power to direct the extension of a siding not built under the compulsory construction sections, unless there is expropriation. The branch line in question is within the reasoning of the decisions, and therefore not part of the railway. In the result, the Board is without jurisdiction to make the revision of terms as asked for. As presented, the Board held that the difference in rental terms between the siding agreements with the two companies afforded no criterion of discrimination. Held, that the only section under which the Board could act in the present application was the industrial spur clause, 185.

# RE FREIGHT TOLLS, 1922.

Judgment of the Board dated June 30, 1922, concurred in by Chief Commissioner Carvell, Assistant Chief Commissioner McLean, and Commissioners Boyce, Rutherford and Lawrence.

An appeal was taken to the Governor in Council from the Board's Order No. 308, providing for the general rate increase known as the 35 and 40 per cent Case, effective September 13, 1920. His Excellency in Council dismissed the appeal, but expressed the strong view that there should be brought about with the least possible delay equalization of eastern and western rates; and referred the matter back for further inquiry by the Board to determine whether conditions had not so changed in recent years as to make such equalization practicable. and also in determining what constitutes a fair and reasonable rate, without taking into account the requirements of the Canadian National Railway System.

All increases allowed under the General Order No. 308 ceased to exist on July 1, 1922, because of the fact that the amendment to section 325 of the Railway Act, 1919, postponing the operation of the Crowsnest Pass legislation or three years, expired on the 6th July, 1922. In the session of Parliament of that year, the operation of the Crowsnest Pass legislation was suspended

for a further period of one year upon all rates and schedules particularly mentioned, with the exception of grain and flour, the rates upon which, on and after July 6, were to be those provided for in the original legislation; and also gave power to the Governor in Council to extend the provisions of the said Act for an additional term of one year.

Comparison of Canadian and United States freight rates entered into.

Freight rates in Canada were not increased during the first four years of the war, but in 1918 and 1920 substantial increases were allowed, necessary to meet the higher operating costs. The increase in rates authorized in Canada by the Dominion Railway Board did not bear so heavily on the Canadian public as the increases authorized in the United States by the Interstate Commerce Commission. The amounts and effective dates of general increases, as well as decreases, in Canada and the United States, referred to in detail in the judgment. Comparison between United States and Canadian passenger fares also discussed.

The proposal of the railways before the Special Committee of Parliament was that, outside of the question of the rates on grain from the Prairie Provinces to the head of the lakes, any decrease in freight rates in Canada should be confined to what they called "basic commodities," namely, grain and grain products, forest products, coal, building material, brick, cement, lime, plaster, potatoes, fertilizers, ores, wire, scrap iron, pig iron, brooms, and billets.

The suggestion was made by the railways that, in lieu of the Crowsnest Pass agreement, certain named percentage reductions from the present rates be made upon these basic commodities. With that as the basis, and upon the figures submitted, the Board concluded that a reduction of  $7\frac{1}{2}$  per cent on the rates now in existence on those basic commodities, less than the increases authorized by General Order No. 308, but not including any reductions heretofore made upon any of the said commodities upon domestic freights in Canada, is as far as the Board should go in the direction of rate reductions.

The question of equalization of rates between the Prairie Provinces and

Eastern Canada fully discussed and considered.

Under the Railway Act, not all discriminations or preferences are forbidden. Held, that the railways have satisfied the onus of showing that these discriminations were not unjust or undue, as the railway rates in the east are held down by water competition and American rail competition, something they could not control.

General Order No. 366, dated June 30, 1922, giving effect to the judgment, issued. By this order, a decrease of  $7\frac{1}{2}$  per cent from the increase given by General Order No. 308 on these basic commodities other than grain and flour, and any other orders affecting the said commodities issued since that date, the effect of which was to leave the increase granted by General Order No. 308 in Western Canada at  $12\frac{1}{2}$  per cent and in Eastern Canada at  $17\frac{1}{2}$  per cent. On coal, other than anthracite, and coal from the head of the lakes westward, all increases provided for by General Order No. 308, rescinded. The increase in excess baggage, as provided for in the said General Order No. 308, eliminated. Railway companies to file tariffs putting the rates as prescribed by the judgment into effect. The effective date of the said rates to be August 1, 1922.

For full text of judgment see appendix "A".

# APPEALS FROM DECISIONS OF THE BOARD

For the year ending December 31, 1922, there were four appeals made to the Governor in Council, and one appeal to the Supreme Court of Canada, from the decisions of the Board.

With reference to the appeals to the Governor in Council, the following are

the appeals and the disposition thereof:-

(1) Appeal of the Corporation of the City of Toronto against the Ruling of the Board (General Order No. 327) with respect to express rates.—Dismissed,

P.C. 562, March 7, 1922.

(2) Appeal of the National Dairy Council of Canada from the decision of the Board and for an order for the cancellation of the 20 per cent increase in cream rates which was allowed temporarily to express companies on their application of July, 1920.—Referred back to Board, P.C. 455, March 17, 1922.

(3) Appeal of the Dominion Millers' Association from the judgment of the

Board, dated March 6, 1922, in the matter of flour arbitraries over wheat for

export.—Dismissed, P.C. 2264, October 22, 1922.

(4) Appeal of the National Dairy Council of Canada on behalf of Canadian Ice Cream Manufacturers from Board's Order No. 28883, respecting express classification of ice cream.—Pending.

With reference to the appeal to the Supreme Court of Canada, this was an appeal of the Canadian Pacific Railway Company upon a question of law arising out of the application of the Department of Lands, Forests and Mines, province of Ontario, for an order directing the Canadian Pacific Railway to provide and construct an overhead crossing at its own expense over the right of way between lots 6 and 7, concession 1, township of Eton, Ont., April 1, 1922. The appeal was allowed with costs, question answered in the negative.

# ORDERS, GENERAL ORDERS AND CIRCULARS

The total number of orders issued for the year ending December 31, 1922, was 1320. The number of general circulars issued by the Board, directed to all railway companies subject to its jurisdiction, was 2. The general orders as distinguished from other orders of the Board are those affecting all railway companies subject to its jurisdiction, and are 21 in number for the year.

A list of general orders and circulars for the year ending December 31, 1922.

will be found compiled under appendix "G" to this report.

#### APPLICATIONS TO THE BOARD

The total number of applications, including informal complaints made to the Board for the year ending December 31, 1922, was 3348.

## TRAFFIC DEPARTMENT OF THE BOARD

In the Traffic Department of the Board the number of tariffs received and filed for the year ending December 31, 1922, was as follows:—

Freight tariffs, including supplements	 	 72,122
Passenger tariffs, including supplements		
Express tariffs, including supplements		
Telephone tariffs, including supplements		
Sleeping and parlor car tariffs, including supplements		
Telegraph tariffs and supplements	 	 19
		0.4 200

The total number of schedules filed from February 1, 1904, to December 31, 1922, was 1,132,553.

The details of the tariffs will be found under appendix "B" to this

report.

#### ENGINEERING DEPARTMENT OF THE BOARD

In the Engineering Department of the Board a large number of inspections were made covering the whole Dominion. These inspections for the year ending December 31, 1922, number 280, and cover inspections for the opening of a railway for the carriage of traffic, inspections of culverts, highway crossings, cattle guards, road crossings, bridges, subways, and general inspections falling within the scope of the work of the Engineering Department.

Under Appendix "C" will be found a detailed report of the Chief Engineer.

#### OPERATING DEPARTMENT OF THE BOARD

Under the work of this department is included the inspection of locomotive boilers and their appurtenances, the inspection of safety appliances on cars and locomotives, the investigations into accidents causing personal injury or loss of life, the reporting on the locations of stations, matters of protection at highway crossings, and train and station service performed by the railway companies.

Under Appendix "D" will be found a full and detailed report of the Chief

Operating Officer of the department.

#### ACCIDENTS AND ACCIDENT INVESTIGATIONS

On reference to the report of the Board's Chief Operating Officer, it will be seen that accidents to the number of 2,588, covering 243 persons killed and 2.856 persons injured, were reported to the Board during the year ending December, 1922, as compared with 1,821 accidents reported for the year 1921, covering 243 persons killed and 1,928 persons injured.

The figures given show:—

(1) Four passengers killed for the year ending December, 1921, and 5 passengers killed for the year ending December, 1922, an increase of 1; and the number of passengers injured was 240 in 1921, as compared with 376 in 1922, an increase of 136.

(2) The number of employees killed was 91 in 1921 and 83 in 1922, a decrease of 8, and the number of employees injured was 1.344 in 1921, as

compared with 2,084 in 1922, an increase of 740.

(3) The number of others killed was 148 in the year 1921 and 155 in the year 1922, an increase of 7, and the number of others injured was 344 in 1921, as compared with 396 in 1922, an increase of 52.

It is pointed out that out of 155 others killed, 71, or 46 per cent, were trespassers, and that out of 396 others injured, 90, or 23 per cent, were tres-

passers.

The following is a table giving the comparison between the total number of passengers carried by the railway companies, and the number of passengers killed and injured, and the same information as to employees. Figures giving the total number of passengers carried and employees are for the year ending

1921, the last figures available, and are taken from the Railway Statistics published by the Transportation Branch of the Dominion Bureau of Statistics:—

Passengers— Number of passengers carried on railways Number of passengers killed Number of passengers injured	46,793,251 5 376
Employees—	3.0
Number of employees with railways.  Number of employees killed.  Number of employees injured.	167,627 83 2,084
Trespassers— Number of trespassers killed. Number of trespassers injured.	71 90

It will be noted that of what may be termed preventable loss, there were 71 killed under the heading "Trespassers" and 90 injured. This is an increase of 7 in the number of killed and a decrease of 1 in the number injured as compared with the year ending December, 1921.

The following table shows the total by provinces as regards trespassers killed

and injured for the year ending December, 1922:-

Province—		]	Killed. Injured
Nova Scotia			1 1
TYEW DIGHSWICK			1
Quenec			18 90
Ontario			43 42
Baskatchewan	** ** **		2 0
TILDELUA			2 7
British Columbia			2 11
Total			
Total		** ** ** **	71 90

Attention is again directed to the statement setting out in detail the situation as regards highway crossing accidents during the past five years. It will be observed therefrom that there has been a total of 821 accidents, covering 293 persons killed and 991 injured.

Crossings protected by gates accounted for 20 killed and 66 injured. Crossings protected by bell accounted for 39 killed and 99 injured. Crossings protected by watchman accounted for 11 killed and 41 injured.

Crossings unprotected accounted for 223 killed and 785 injured.

There have been 194 accidents at protected crossings covering 70 persons killed and 206 persons injured, and at unprotected crossings there have been 627 accidents covering 223 persons killed and 785 persons injured.

During the year ending December, 1922, there were 183 accidents at highway crossings covering 66 persons killed and 237 persons injured, as compared with 189 accidents in 1921 covering 70 persons killed and 214 persons injured.

Automobile accidents totalled 109, divided as follows:-

At crossings protected by gates. At crossings protected by watchman. At crossings protected by bell. At crossings unprotected.	. 1
Horse and rig accidents numbered 46, made up as follows:	
Gates	

 Gates.
 2

 Watchman.
 6

 Unprotected.
 38

 $33 - 2\frac{1}{2}$ 

#### Pedestrian accidents numbered 28, as follows:-

Gates	 		 		 	 	 	 	 	7
Watchman	 		 	 	 	 	 	 	 	3
Bell										
Unprotected			 		 	 	 	 	 	17

It will be observed from the above that 33 out of a total of 183 accidents occurred at protected crossings, leaving unprotected crossings to account for 150 accidents.

Full particulars of passengers and employees killed and injured, and other general information in regard to trespassers killed and injured, accidents at protected and unprotected crossings, etc., will be found under appendix "D".

#### FIRE INSPECTION DEPARTMENT OF THE BOARD

As in former years, the local inspection of the Fire Inspection Department has been handled under co-operative arrangements made with the several Dominion and provincial forest-protective organizations on the ground. During the year, 97 officials or employees of such organizations acted, under authority of the Board, as local officers of this department, under the direction of the Chief Fire Inspector.

On April 19, 1922, the Board issued General Order No. 362, revising and amending the railway fire regulations contained in General Order No. 107, the latter order being thereby superseded. The new order contains several important

changes.

During the early spring, complications arose with regard to the class of coal used as locomotive fuel on certain of the Canadian National lines in the Prairie Provinces and eastern British Columbia. The protracted strike of union coal miners in northern Alberta made it impossible for the railway to secure adequate supplies of the usual grades of bituminous coals, and it became necessary, in order to maintain train service, for the Board to suspend the provisions of regulation 8 of General Order No. 362, and permit the use of noncoking grades of coal in non-forested sections of the Prairie Provinces, it being stipulated that coking grades of coal should continue to be used in forest sections. Pending this readjustment, a large number of early spring fires, attributed to locomotive sparks, occurred on certain of the Canadian National lines in northern Alberta and eastern British Columbia. Fortunately, most of these fires were small, but some escaped and caused damage. Efforts have been made by the railway management to develop a spark-arresting device that should work satisfactorily with light-bodied, non-coking coals, but these experiments have not yet reached more than a partially satisfactory conclusion.

The requirements relative to the maintenance of special fire patrols and the reporting and extinguishing of fires have, on the whole, been well observed by the railways. Substantial progress has been made in the matter of freeing

railway rights-of-way from unnecessary combustible matter.

During the year, 9,897 miles of fireguards were maintained by the railways in non-forested sections of the Prairie Provinces, in accordance with the require-

ments of the Chief Fire Inspector.

A total of 1,598 fires from all causes were reported as originating within 300 feet of railway lines in forest sections, subject to the Board's jurisdiction throughout Canada. Of these, 759 or 47.5 per cent covered an area of less than one-quarter acre each and did no damage. Of the grand total, 75.4 per cent were definitely attributed to railway causes, 7.5 per cent to known causes other than railways, and 17.1 per cent to unknown causes.

A total area of 118,012 acres was burned over. Of this, 89.9 per cent is chargeable to railway agencies, 4.5 per cent to known causes other than railways,

and 5.6 per cent to unknown causes.

The total damage by all these fires is estimated at \$222,593; of this the railways are charged with 83.9 per cent, while 3.8 per cent is due to known causes other than railways, and 12.3 per cent to unknown causes. This constitutes an increase over the railway fire losses for the previous year, due to the more hazardous weather conditions and to the fact that one fire was allowed to escape control and cause heavy losses in timber values destroyed. Otherwise, the railways have done exceptionally well in handling their fire problems.

# ROUTINE WORK OF THE BOARD

#### RECORD DEPARTMENT

Below is given a table setting forth the number of applications, filings and letters received during the year ending December 31, 1922, together with the number of orders issued:-

Number of filings received during the	
Number of filings received during the year.	3,348
Number of outgoing letters during the year.	34,749
Number of outgoing letters during the year.	23,440
Number of orders issued during the year	1.320

# THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

#### RECORD ROOM

STATEMENT—showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1922.

		1	1	1	1	1	1							
*****	Sections of Railway Act	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Totals
Ru 2	scinding of orders, sec. 34 les and regulations, secs. 34, 81, 287, 290, 296	4	9	2	6	7	10	3	11	6	8	1	4	71
Lo	tension of time, sec. 41 Pation of line, secs. 167-177 ute map, sec. 167	2 1	6 3	3	4 3	9 4	7	5	6 2	7	7	2 1		1 58 17
De Mir	ilway as constructed, sec. 175 viation of line, sec. 178 nes and minerals, secs. 194-198 propriation of lands, secs. 189-	3 1	1 2	2 6 1	1	5	1 2	2	1	1		2		3 15 20
App	peals against Board's deci-	1		1	1					1	2			1
Cor 2 Bra	mpensation for damage, secs. 13-221												1	4
Rai	lway crossings and junctions,	24	14	5	9	17	19	17	22	17	14	25	12	195
Hig	rlocking applicances, sec. 252 hway crossings, secs. 255-267 hway diversion, sec. 256 tection at crossings, secs. 257-	24 2	13	3 9 4	4 21 4	11 1	7 25 1	3 17 3	2 4 17 1	3 11 1	18	11 3	2 1 8 4	23 31 185 26
l'ele se	egraph and telephone lines,	16	9	9	5	9	9	8	22	-29	23	19	23	181
'ele	egraph and telephone Con-		1	2	2	1	2 .		1		1		3	3 10
ow	phone agreements, sec. 372- phone agreements, sec. 375 als, ditches, etc. secs. 268	1 12	1 7	8	3 5	7	1   .	15	12	2 2 5	3	0	10	10 14 97
7ate	er pipes, sec. 269		5 .	3	2			1 2	2	1 4	1	1 .		7 4 15
617	erts, sec. 269				1	1 .			1 .		1		i	5

Statement—showing the applications made to the Board under the various Sections of the Railway Act, for the year ending December 31, 1922—Concluded

Section of Railway Act	Jan.	Feb.	Mar.	Ayril	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Totals.
Farm crossings, secs. 272-273 Protection farm crossings, sec.	2	4			1	6	3	1	1	3	2	4	27
275							1	i	<sub>i</sub>				1 5
Cattle-guards, sec. 274 Fencing of right-of-way, sec. 274 Bridges, secs. 249-251	1 20	1 10	3 4	22 8	3 42	1 12	2 5 47	1 45	8 5	4 13	9 10	4 9	62 225
Tunnels, secs. 249-251	i	10	3	····i	$\frac{1}{7}$	7	5	9	20	5	5	7	86
Condition of stations, sec. 188 Station accommodation, station			1										1
agents Opening of railway secs. 276-277	8	3	9	10	11	5	2	7	3 5	3	5	2	65 18
Condition of railway, sec. 283 Rolling stock, secs. 298-301	2 1 4	3	1 3	2	9 7	5	3 6	3	6 2	3 2	3	1	44 31
Train service	3	2 2	1	13	7 4	· · · · i	7	2 1	5	1	1		40 28
Obstructions to Traffic, sec. 311. Accommodation for Traffic, sec.	1	-									1		2
Dangerous Commodities, secs.	2	5	11	5	2	2	2	4	3	2	1	6	45
349-350	51	63	63	46	76	79	50	71	39	68	70	60	736
Fires from locomotives, secs.								1	10	5	1		21
280-281-287-387 Interswitching, secs. 316-337	1	1	3	1	2	1	4		2	2		1	14
Freight Classification, sec. 322. Disallowance of Tariffs, sec. 325.		2											2
Standard Freight Tariffs, sec.		1	2		1	1	1		3				9
Standard Passenger Tariffs, sec. 334		3	6			3	1 5	5	6	10	6	, .	1 62
Adjustment in Rates	1	1			1	1		2	4	1	4	2	17
335. Provisions for Carriage, secs	1		2	2			1	1	1	3	1		12
344–348. Express Tolls, secs. 360–366		····i		1		3		5	1	1 4	2 1	2	6 15
Carriage by Express, sec. 364 Telephone Tolls, sec. 375	1	3	1	2	3	1 1	2		2	2			15
Amalgamation Agreements, sees. 151-153				1					1	2		3	8
Traffic Agreements, sec. 154 Statistics and Returns, secs. 379-											1		1
384Claims and Refunds									1	1	2		3
Enquiries. Complaints. Miscellaneous.	10 36	8 47 12	12 47 15	6 46 32	13 52 11	7 45 8	11 34 11	8 40 7	8 41 3	39 5	3 54 5	33 5	91 514 121
General Orders of the Board										1	1	1	3
Totals	253	261	263	277	343	289	290	325	277	283	273	214	3,348

#### APPENDIX "A"

PRINCIPAL JUDGMENTS OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1922

APPLICATION OF BAROME ROCHON, re drainage canadian pacific railway company.

Judgment Mr. Commissioner Boyce, January 4, 1922, concurred in by Chief Commissioner.

In the year 1887, shortly after the construction of its line between Port Arthur and Winnipeg, the Canadian Pacific Railway Company, in order to avoid having to put in an expensive culvert, and to give them a more stable and solid road-bed, diverted from its original and natural outlet, (shewn "A" on plan filed) a stream, fed by a number of lakes (one of these being War Eagle lake), discharging into Darlington bay of Winnipeg river, north of the tracks of the Canadian Pacific Railway just west of Keewatin, and carried the water thereby arrested in its natural flow, through the low lying lands, south of the railway, where is now the applicant's farm, block 232, known as lots 5 and 7, in the first concession of the township of Keewatin, thence through a deep rock cutting (shewn marked "B" on plan), into a swamp (marked "C" on plan), thence by means of a tunnel under the railway at a point marked "D" on plan, back to Darlington bay.

It is alleged that in the course of this diversion sufficient provision was not made for artificially carrying off the water which, theretofore, had been drained

off by natural flow.

The complainant did not acquire his holdings until many years after the diversion was made—his location being made about 1905-06 or 07; his patent issued some years later, but complainant alleges that when he took up the farm he now occupies, and in respect of which he complains, the railway was a single track road, and the dump, built of large boulders, permitted the water not taken care of by artificial means, to seep through the dump somewhat along its natural course, so that, as he says in his evidence at the hearing (Vol. 359, p. 5317) when he took the land up (in 1905-6 or 7), "It was nice and dry, except the creek"—(meaning the water course as diverted). At the time, he says, most of the water ran through the dump (then a single track) and hardly any water went through the diversion. He states that in the Spring of 1907 he farmed part of the land now under water.

The basis, then, of the complaint is that in 1906-7 the railway was double-tracked, and that in the double tracking the dump theretofore permitting surplus water to pass through was so closed up that no water could get through and the diversion failed to carry it off, thereby flooding about four acres of the complainant's lands every year since the dump for double tracking was completed. The gist of the complaint, therefore, seems to be that the diversion made by the railway in 1887 was never really tested as to its efficiency in carrying off the water until the dump for the double track was built ten years later, thereby arresting the seepage through the dump of what water the diversion was unable to carry. In other words that the insufficiency of the diversion to carry off the water as the natural water course had theretofore done did not become apparent until the outlet for the surplus water through the single track dump became closed by the solidifying of that dump to carry the double track, then when the work of carrying off the whole of the water drained by the original water course was thrown upon the diversion, or artificial channel con-

structed by the railway, the diversion failed, it proved inadequate, and the complainant's lands, to the extent mentioned, have been flooded year by year ever since

The evidence of the complainant is corroborated by two witnesses—one, Duncan Beeton (p. 5321), who has resided in the vicinity since 1880, who knows the particular locality, and who says that after the single track of the railway was completed the water continued to flow through the dump, and that no water flows through there now. He speaks of the rock cutting being only four feet wide, and obstructed by rocks. That this cut could be made better by being cleaned out, and that he has seen Rochon's land flooded.

To the same effect is the corroborative evidence of Sydney Pearson (p. 5326), who also says that since the double-tracking all the water that flowed from War Eagle lake and the adjoining lakes west flowed under the track, that is, before the double tracking, and that since the double tracking no water flows through the dump, the land on the north side of the dump being dry since the

double tracking.

The evidence of the complainant, who is an old resident of the district, and has lived on the land since he took it up—or since prior to 1907—and of the other two witnesses is not controverted by the railway company, which relied upon the evidence of its engineer as to the sufficiency and adequacy of the diversion to carry off the water. The evidence shows that the creek was about eighteen feet wide originally, and that, as a result of its diversion by the railway company, it is carried through a rock cutting but four feet wide. Whether this is deep enough to carry off all the water compressed into it from an eighteen-foot stream is open to some question, but the photograph of the cut submitted shows that the water comes through it very rapidly, and that there are obstructions to its easy passage. The depth of the rock cutting, the engineer says, is the same depth as the creek, so that it is obvious that there was, as a result of the diversion, a great compression in the original flow from eighteen feet to four feet at this point.

I would find as a fact upon the evidence before the Board that at the time the complainant located and entered into possession of his farm, the water was drained therefrom, partly by the diversion, and partly by seepage along the natural course of the stream, and that there was then no overflow or flooding of the land as that now complained of. That since the dump of the railway was altered to provide double tracks, the seepage along the original course of the stream, and which had acted as an auxiliary to the diversion up to that time, was stopped and the whole drainage was thrown upon the diversion, and that the diversion works failed to entirely carry it off, with the result that a portion of the complainant's land, about four acres, which was dry before the dump was altered, was flooded year by year since the double track dump was completed.

Whether the diversion is capable, if thoroughly cleaned of rock and silt obstructions, of giving adequate drainage, so as to leave the land as dry as it was when the complainant first occupied it, may be in some doubt. The railway company argues that there is no duty east upon it to clean out the rock cutting made by it, as part of the diversion, or otherwise, and generally to remove all obstructions and accumulations which may check the free flow of the diverted stream. I am, however, unable to agree with this contention. Where the railway company, for its own purposes, diverts or changes a natural water course, some duty is east upon it to see that the substitution of the artificial channel does not materially affect the utility of the natural course, or, in the language of section 163, of the present Railway Act—formerly section 155 of R.S.C., Chapter 37:—

"The company shall restore, as nearly as possible, to its former state, any river, stream, watercourse, highway, water pipe, gas pipe, sewer or

drain, or any telegraph, telephone or electric line, wire or pole, which it diverts or alters, or it shall put the same in such a state as not materially to impair the usefulness thereof."

and to the same effect in section 268 of the present Act carried from section 250 of the former consolidation:—

"The company shall in constructing the railway make and maintain suitable water pipes, flumes, ditches and drains along each side of, and across and under the railway, to connect with water pipes, flumes, ditches, drains, drainage works and watercourses upon the lands through which the railway runs, so as to afford sufficient outlet to drain and carry off the water, or to convey the water supply, and so that the then natural, artificial or existing drainage, or water supply, of the said lands shall not be obstructed or impeded by the railway."

There was, as appears from the evidence a flooding of the complainant's land immediately following, and I think as a result of the construction by the railway of another dump to carry a second track or line of railway, and the drainage affecting the complainant's lands existing prior to such construction were not restored to its former state, but, on the contrary, the usefulness of the drain or watercourse was thereby materially impaired, and the existing drainage thereof was, and is, obstructed or impeded.

The legal principles involved are fundamental. I refer to such cases as-

Ostrom v. Bills, 24 A.R. 526; 28 S.C.R. 485.

Young v. Tucker, 26 A.R. 162.

Hamelin v. Bowerman, 31 S.C.R. 534.

Ward v. Grenville, 32 S.C.R. 510. G.T.R. v. Miville, 14 L.C.R. 469.

Carron v. Great Western Ry. Co., 14 U.C.R. 192.

Where these are discussed, and the provisions of statute to which I have referred would render it more than ever necessary that the railway company should take care of all water brought down upon its lands at the time the railway is constructed.

The duty incumbent upon the railway company is, I think, clear, as it also appears from the evidence that it has not fulfilled that duty as regards this watercourse. The railway company cleared it out once, while protesting that it

was not its duty to do so.

If the obstruction of the diversion causes the flooding and not the insufficiency or inadequacy of the diversion itself, the railway company should have an opportunity to demonstrate that condition by clearing the channel it made to divert the stream of every obstruction. If that work results in efficiently draining the complainant's land to the same extent as it was when he first occupied it, and before the double tracking of the railway, no further Order need be made by this Board, it being understood that the drainage will be so maintained by the railway. If, on the other hand, it is demonstrated by a further examination under the direction of the Board, after the diversion has been cleared of obstruction by the railway, that the flooding results from insufficiency or inadequacy of the diversion, or of any part thereof, the matter may be dealt with further upon notice to the parties.

The Railway Company will be required to thoroughly clean out the water-course it constructed and remove therefrom all boulders, rock, silt, or other obstruction, or impediment to the flow of water, this work to be done, subject

to the approval of an Engineer of the Board, as early as conditions will permit next Spring; the work to be completed by May 1, 1922.

As to any further order the matter will stand for further report from the

Engineers of the Board upon the effect of the above work.

Order should go as above.

APPLICATION CITY OF REGINA, in re PROTECTIVE DEVICES AT CROSSINGS, CANADIAN NATIONAL RAILWAYS.

Judgment Mr. Commissioner Rutherford, January 10, 1922, concurred in by Assistant Chief Commissioner.

These applications were heard at Regina on November 4, 1921. The case for the city of Regina was based on the fact that by the Board's Order No. 31357 of date August 5, 1921, an electirc bell and wig-wag signal were installed at the crossing of Seventh avenue by the Canadian National Railways' line running along Smith street.

The city of Regina claimed at the hearing that the crossings situated respectively at Dewdney street and Smith street and at Eighth avenue and Smith street, are even more dangerous than that at Seventh avenue and Smith street, at which latter crossing the railway company has been required by the

Board to instal an electric bell and wig-wag signal.

Mr. Temple, on behalf of the Canadian National Railways, admitted at the hearing that the Dewdney street crossing is, on account of the greater volume of traffic, more dangerous than that at Seventh avenue, which latter is now protected. He asked that the Board should for the present, limit the proposed additional protection to the Dewdney street crossing, no additional protection being considered necessary at the Eighth avenue crossing.

The Assistant Chief Commissioner directed that the city should furnish the Board with the traffic statistics at the two crossings, namely Dewdney street and Eighth avenue, for a period of forty-eight hours, and after an inspection by the Board's Division Engineer, the applications would be given due

consideration.

The traffic statistics since received indicate clearly that the crossing at Dewdney street is the most important, the total pedestrain and vehicular movement over it for the forty-eight hour period being 3,065, as against 1,110 at Seventh avenue, already protected.

Further, while the traffic statistics show that the movements at Dewdney street are considerably greater than those at Eighth avenue, which latter lies between Dewdney street and Seventh avenue, this is doubtless chiefly due to

the fact that Dewdney street is paved while Eighth avenue is not.

The Board's Division Engineer has reported that all three crossings, namely Seventh avenue, Eighth avenue and Dewdney street are dangerous to the travelling public, the last mentioned being considerably more dangerous than

either Seventh or Eighth avenues.

I am therefore of opinion that similar protection to that now installed at Seventh avenue, should be required at both Eighth avenue and Dewdney street, the signals at all three crossings to be operated by the same bonding, and the cost of installation to be borne by the Canadian National Railways, less the usual 25 per cent advance from the Railway Grade Crossing Fund.

In re discontinuance of service red mountain railway and abandonment OF LINE.

Judgment of Assistant Chief Commissioner, January 24, 1922, concurred in by Commissioner Rutherford.

Under date of June 15, 1921, a letter was filed on behalf of the Red Mountain Railway Company stating that said line had been operated by the Great Northern Railway Company for a long time past, and statements were enclosed showing that such operation had been at a loss. The Great Northern Railway Company, it was stated, had decided to discontinue the operation of the Red Mountain line and take up the rails and other equipment, with a view to permanent abandonment of the enterprise; and it was intimated that the company contemplated the ceasing of operation at midnight on June 30, 1921. It was stated, further, that formal notice had been given to various public bodies.

In the statements which were attached to the letter, details as to freight and passenger and other operating revenues were given, as well as details in regard to operating expenses, taxes and net revenue. The details in question cover the year's 1898 to 1920, for the period ending June 30th in each year.

The line in question is 9.47 miles in length, extending from the international boundary at Patterson to Rossland. The capital stock per mile outstanding is

\$43.569.

In the details as above referred to, it appears that from the period 1898 to 1908 there was, after paying operating expenses and taxes, a net annual revenue averaging during the period in question \$18,298.

From 1909 to 1920, there was in every year a deficit, the average annual

deficit amounting to \$24,388.

The figures as given down to 1918 are in accordance with the returns as published in the Dominion Railway Statistics. As pointed out, the figures are shown for the years ending June 30. Since 1919, the Dominion Government returns are published for the year ending December 31. In the statement of the company as filed, the years 1919 and 1920 ending, as indicated, June 30. show deficits of \$30,224 and \$42,226 respectively. If the returns for the calendar years 1919 and 1920, as set out in the Government Statistics are taken. the respective deficits for 1919 and 1920 are \$28,905 and \$40,943.

Thereafter, complaint was received from the Rossland Board of Trade asking whether the railway company had a right, under the charter, to dis-

continue the service, and asking for a hearing.

A telegram was received from the Board of Trade of Trail objecting to the discontinuance of the service and abandoning of any portion of any branch line, if such discontinuance or abandonment interferes with the public or is likely

to hurt the development of the province.

Thereafter, a considerable number of communications were received from different Boards of Trade and parties interested. The British Columbia Government, through a telegram from the Premier, joined with the Rossland Board of Trade in protesting against the proposed abandonment of portion of the Red Mountain Railway. Thereafter a telegram to the Premier and to various parties who had submitted communications was sent out by the Chairman of the Board, the material portion of which telegram is as follows:-

"As we view the law, we are unable to prevent a company from removing rails; if you have authority for different view we would be glad to have it cited."

A telegram from the Rossland Board of Trade dated June 27 stated that formal application for hearing in the matter of discontinuance of the service on the Red Mountain Railway on points of insufficiency of notice and merits was being forwarded to the Board, and asked that the railway company be asked to continue the service pending hearing. A subsequent telegram of June 28 directed the Board's attention to section 312 of the Railway Act as bearing on the matter.

Under date of June 30, the secretary of the Rossland Board of Trade was advised that section 312 of the Railway Act had been considered before communication was sent by the Board and the telegram of June 24 already referred to. The Board stated it had no power, under its construction of the law, to direct continuance of the service pending hearing; but it was stated that on account of the urgency of the matter the application could be heard at Ottawa

on July 6.

Under date of July 4, the Board received a telegram from the Rossland Board of Trade criticising the basis on which the figures of operating costs were made up, criticising the insufficiency of notice, and contending that the Board had powers sufficiently broad to prevent the discontinuance of the service.

At a later date, the Board was asked for a hearing of the matter when sittings were being held in the West; and arrangements were accordingly made

which resulted in the sittings at Nelson on October 29, 1921.

As already set out, the Board indicated at the outset its view that the Railway Act did not authorize the Board to prevent discontinuance of the operation, including the removal of rails. This was in accordance with a number of rulings which the Board had made construing the Railway Act in this regard. At the sittings in Nelson, these rulings were referred to by Counsel for the railway company who relied upon them. Counsel appearing for other parties interested not having directed their attention to the question of the limitation of the powers of the Board in this regard were given an opportunity to file written submissions after the authorities had been considered.

It is patent that the fundamental matter is the jurisdiction of the Board. The course of the proceedings indicates that those protesting against the action of the railway were of opinion, first, that the sanction of the Board is a condition precedent to the removing of tracks and discontinuance of the service by the railway; and, second, and necessarily flowing from the point of view set

out, that the Board had authority to refuse such application.

An analysis of the findings which the Board has given in other cases is material to the proper understanding of the limitation of the Board's powers.

In 1915, the Board received a communication from counsel for the Great Northern Railway Company (file 25461), stating that the Great Northern Railway Company proposed to entirely abandon the operation of the Bedlington and Nelson line between Port Hill, Idaho, and Wynndel, B.C. The legal status of the matter was checked up by the Board's Legal Department, which advised as follows:—

"Since your memorandum to me of January 22, letters from the general solicitor of the company and Mr. Haydon, dated January 14 and January 22, respectively, have been added to the file, in which it is stated, as you will note, that it is the intention of the company to abandon the portion of railway in question.

"Unless the failure to operate is in violation of an agreement on the part of the company, there is no provision in the Railway Act dealing with a case where the company ceases to operate, except where it goes into insolvency. The Great Northern Railway Company appears to be opera-

ting the Bedlington and Nelson, as the owners of or having a controlling interest in the stock of the Canadian company, and operate under the name and as the Bedlington and Nelson Railway. There is no record of

any amalgamation agreement between the two companies.

"In the case of Darlaston Local Board vs. L. & N.W. Ry., 63 L.J., Q.B. 826 (1894); 8 Railway and Canal Traffic Cases, 216,—it was held that the Railway Commissioners had no jurisdiction to order a railway company to rebuild and reopen for passenger traffic a station which the company had closed and pulled down, the reasonable facilities for traffic which, by s. 2 of the Railway and Canal Traffic Act, 1854, a railway company is required to afford, having no application to stations that are not in use.

"Per Lord Esher, M.R., and A. L. Smith, L.J.; Unless a railway company is required by its Act to keep open its line and stations, it is entitled to close any part of its line or any of its stations whenever it desires to do so. Per Kay, L.J.; Even if the duty to afford reasonable facilities applied to a station which had ceased to be used, that duty could not require the opening of a station which had been closed in consequence of the railway company finding that its centinuance involved a heavy loss

"The incorporating Act of the Bedlington and Nelson Ry. Co. does not require it to keep open its line of railway."

Under date of February 2, 1915, the secretary-treasurer of the Board of Trade of Creston, B.C., was written to as follows:—

"Referring to your complaint herein under date of the 15th January last, I am directed to say that the Board has received a statement from the Great Northern Railway Company to the effect that it is the company's intention to entirely discontinue operating the Bedlington and Nelson line and eventually to remove the railway track. Also to state that the Board has no power to force the company to operate under these circumstances and therefore the Board is afraid it can be of no further assistance to you in this connection."

The matter again came up in connection with the same railway at a hearing in Vancouver on June 2, 1915 (Board's file 26019). The railway asked informally whether an order was necessary permitting the company to take up the rails, but no order was made; and as a result of some questions subsequently arising, a letter was written by the former Chief Commissioner, Sir Henry Drayton, to the Minister of Railways, under date of April 17, 1918. A question had been raised in regard to the powers of provincial parliaments to expropriate for highway purposes abandoned railway rights of way. This is not material to the discussion; but the explanation of the limitation of the Board's powers, as set out in the following extract from the letter on file, is material:

"This is one of those cases in which it is very hard to do anything. The Great Northern did operate this branch line from Bonner's Ferry, Idaho, to a point in British Columbia territory. The branch is known

as the Bedlington and Nelson Railway.

"The earnings from the line have been so small that it did not pay to operate, and the company determined to save further losses by abandoning all operation. Operation was abandoned some time in 1915, and the company expressed itself as being perfectly willing to sell the abandoned right of way, at a reasonable price, to adjoining land owners.

"In April, 1917, the Provincial Surveyor of Taxes and Inspector of Revenue wrote stating that he had been informed by the Right of Way and Tax Agent of the Great Northern Railway Company that the rails of the line were taken up during the year 1916, and that the line no longer existed as a railway; and asking the Board whether it had made

any order permitting this to be done.

"No order was made by the Board and the department was so advised: There is nothing in the Act which compels a railway company to continue to carry on a railway venture in which it is continuously losing money. It has been left to the business judgment of the railway company to determine whether it is going to scrap its investment, with the very large attendant losses on the one hand, or to determine whether it had better, in the hopes of some day saving its investments, make further temporary losses."

Under date of January 15, 1918, the Board was advised by the Great Northern Railway Company that it proposed to lift trackage of 1½ miles on the New-Westminster Southern Railway, and the Board was asked whether it would take jurisdiction for the removal of the tracks. The railway company was not able to point out any section under which the Board had jurisdiction, and the applicant was advised in the same terms as are set out in the letter to the secretary-treasurer of the Board of Trade of Creston, B.C., already referred to.

The matter was again before the Board in 1919, Board's file 1,333, what was involved being the discontinuance of the train service on the Phœnix Branch of the V.V. & E. Railway, Grand Forks to Phœnix. On direction, the railway

was advised by letter from the secretary as follows:-

"That, where the company has decided to abandon entirely the operation of its line of railway and take up the rails, as is proposed in the present instance, unless such action is in breach of an agreement to operate, there is no provision of the Railway Act under which the Board can restrain the company from doing so. This was the conclusion arrived at in the case of the Bedlington and Nelson Railway (File No. 25461). The new Act does not enlarge the powers of the Board in this regard."

The construction of the statute as above set out shows that there is no provision in the Railway Aet requiring a railway which is steadily running behind to make application to the Board for removal of tracks and discontinuance of service; and it shows, further, that the Board is, on such a state of facts, not given any authority to prevent discontinuance of service and removal of tracks.

The position of the railway company from the standpoint of revenue has been set out. Exception is taken by the Rossland Board of Trade to the basis on which the figures are computed, it being contended that Rossland is not given sufficient credit. The figures, however, are the official figures filed with the Government authority dealing with railway statistics, and submitted under the provisions of the legislation appropriate thereto. The Board has in the past used the statistics so submitted by the railways in connection with analyses of costs, and I am of the opinion that the statistics here submitted in accordance with the rules and classifications in force are a proper basis on which to study the condition of the railway.

As pointed out, an opportunity was given to file written submissions: A submission filed by Counsel for the Rossland Board of Trade sets out that the Red Mountain Railway Company was incorporated by chapter 61 of the Statutes

of British Columbia of 1893, and that in the preamble of the Act it was recited that it was in the interests of the public that the railway should be constructed and "maintained". Reference is made to section 11 of the Act. The material portion of this section, so far as the argument is concerned, reads:-

"The company may lay out, construct, build, equip, maintain and continuously work a line of railway....."

Emphasis is laid on the word "continuously" as being material.

By the Dominion Statutes, 58-59 Victoria, chapter 60, an Act respecting the Red Mountain Railway Company, said railway was given a Dominion charter and was declared to be a work for the general advantage of Canada. The written submission of counsel for the Board of Trade refers to section 2 of this Act. This section, after providing that the Special Act of the Dominion and the Railway Act of Canada shall apply to the company and its undertaking instead of the Special Act of British Columbia and the British Columbia Railway Act, continues:-

"Provided, that nothing in this section shall affect anything done, any right or privilege acquired, or any liability incurred under the last mentioned Acts of the Legislature of British Columbia up to and at the time of the passing of this Act, to all of which rights and privileges the company shall continue to be entitled, and to all of which liabilties the company shall continue to be subject."

It is contended by counsel that under this section "one of these liabilities was to operate the railway and it is submitted continuously, but at all events to operate it." It is not claimed that the Dominion Special Act, independent of its inter-relation with the Provincial Special Act, carries any obligation as to continuously working.

It is to be noted that the provision in the Provincial Special Act is permissive, not imperative; and it would not appear that the words "continuously work" in section 11 of the Provincial Act of incorporation carry the obligation of the company any further than the authority to maintain the railway usual in special Acts, and as was the case in Darlaston Local Board vs. London & N.W.

Ry. Co., 8 Railway and Canal Traffic Cases, 216.

Reference is also made to section 398 of the Railway Act of 1919, which leals with penalties:-

"Any company or person who, without consent or order of the Board, removes any spur or branch line constructed under or pursuant to this Act for the purpose of affording railway facilities to, or in connection with, any industry or business established or intended to be established, shall be liable on conviction to a penalty not exceeding one thousand dollars."

The submission sets out: "It would appear from this that the company oust get permission from the Board before removing a branch line or spur, and s nothing is said about the main line it is submitted that the main line cannot

e removed even by consent of the Board."

Section 398 of the Railway Act is a new section included in the Act of 919. The wording of it shows, e.g., "in connection with any industry or business stablished or intended to be established," that what is concerned with especially efers to section 187, which prohibits the removal, without consent of the Board, f a branch line or spur constructed under sections 185-186. These are the secons dealing with forced construction. The railway herein involved in no way ills within the scope of the section with which Section 398 is concerned.

Reference is made to section 312 which deals, inter alia, with facilities. In Darlaston Local Board vs. L. & N.W. Ry. Co., 8 Ry. & Can. Traf. Cas., 216, it was held that if the railway company was not bound by its special Act to make or maintain the railway, the facility clause or clauses could not be drawn upon by the Railway Commissioners. It does not appear that power to act under section 312 can be inferred, in the present case, to order the company to operate its line of railway.

The Board was informed that there was pending with the Interstate Commerce Commission an application to permit the removal of the tracks of the railway from Northport, Washington, to the international boundary, at which

point it connects with the line herein involved.

A communication has been filed with the Board by the railway stating that the Department of Public Works at Washington has recommended to the Interstate Commerce Commission the granting of the application of the Great Northern Railway Company for authority to abandon the Columbia and Red Mountain line, that is, the portion south of the boundary; and there was filed therewith a copy of the recommendation, it being stated that the line was losing from \$14.000 to \$30,000 per year, with no prospect of ever being able to reimburse itself in the future.

The Board understands that while there was a hearing at Spokane on October 19, 1921, in this matter, said hearing, it is noted, being before a representative of the Department of Public Works of Washington, there is a further hearing being arranged for under the auspices of the Interstate Commerce Commission.

While, as I understand the Transportation Act, it is necessary to obtain the sanction of the Interstate Commerce Commission before a line engaged in interstate commerce can be abandoned, the situation, as pointed out, is entirely different under the Canadian legislation; and the Board is bound by the

provisions of the law.

It has seemed proper to set the matter out at some length, as there have been evident misunderstandings of the limitations of the Board's powers. Very earnest pleas have been made. It is represented that the discontinuance of the service is a matter of very serious moment to Rossland. It is unfortunate that the business activities of Rossland are not so satisfactory as they once were, and there is no escaping the conclusion that the discontinuance of the railway service will exercise an adverse effect. At the same time, leaving aside any question as to whether if the Board had jurisdiction it would be justified on the merits in ordering the service to be continued, the plain fact is that the Board has no jurisdiction so to order.

At the hearing, there was developed the question of the traffic of the mining company, LeRoi No. 2, which uses the spur track operated by the Red Mountain Railway in connection with a transfer to the Canadian Pacific Railway tracks, to enable the traffic to be carried to Trail. This matter is still under negotiations.

APPLICATION OF CANADIAN PACIFIC RAILWAY COMPANY re SPUR EUGENE F. PHILLIPS ELECTRICAL WORKS, LIMITED, BROCKVILLE

Judgment of Chief Commissioner, February 2, 1922, concurred in by Assistant Chief Commissioner, Commissioners Rutherford and Lawrence.

The Eugene F. Phillips Electrical Works, Limited, have decided to erect a large industry in the city of Brockville, at a point mutually agreed upon, in consideration of which the city has agreed to give the industry access to both Canadian Pacific and Canadian National lines, the site chosen being along the line of the Canadian National Railway leading to Westport at the western portion

of the city. The Canadian National runs for some distance just south of Church street before reaching the lands of the Phillips Company, and the Canadian Pacific Railway have asked for permission to construct a line from their road just south of Pearl street closely paralleling the Canadian National and running for about 1,000 feet along Church street.

At the hearing, Mr. Crombie, representing the Canadian National Railways, suggested that the Canadian Pacific Railway use their right-of-way, in consideration of which the Canadian Pacific Railway was to give to the Canadian National Railway a right-of-way to the harbour front and also access to certain industries on the Canadian Pacific Railway tracks. Considerable correspondence followed by representatives of the different companies, and, as I view it, the only question which we have to decide is whether the application of the Canadian Pacific Railway to construct a new line through the City of Brockville should be granted or whether running rights should be ordered over the Canadian National.

It seems to me that section 193 of the Railway Act, especially with the new clauses 4 and 5 added thereto in 1919, was designed to meet just such a condition as now under discussion. Prior to the recent amendments, section 193 provided that a portion of one company's right-of-way, tracks, terminals, stations, or station grounds, etc., might be used by another company, subject always to the approval of the Board first being obtained. It then provided the necessary procedure for obtaining the right, subject, of course, to compensation to be fixed by the Board in case the parties failed to agree among themselves.

Subsections (4) and (5) of section 193, however, as added by Parliament in

1919, read as follows:-

" (4) Where the proposed location of any new railway is close to or in the neighbourhood of an existing railway, and the Board is of opinion that it is undesirable in the public interest to have the two separate rights of way in such vicinity, the Board may, when it deems proper, upon the application of any company, municipality or person interested, or of its own motion, order that the company constructing such new railway shall take the proceedings provided for in subsection (1) of this section to such extent as the Board deems necessary in order to

avoid having such separate rights-of-way.

"(5) The Board, in any case where it deems it in the public interest to avoid the construction of one or more new railways close to or in the neighbourhood of an existing railway, or to avoid the construction of two or more new railways close to or in the neighbourhood of each other, may, on the application of any company, municipality or person interested, or of its own motion, make such order or direction for the joint or common use, or construction and use, by the companies owning, constructing or operating such railways, of one right-of-way, with such number of tracks, and such terminals, stations, and other facilities and such arrangements respecting them, as may be deemed necessary or desirable."

It is my opinion that Parliament has placed upon this Board some responibility to see that new roads are not unnecessarily constructed. The Canadian National road in question is a branch line running to Westport, upon which he traffic is very, very slight, and there is no prospect of a great increase for nany years to come. There is, therefore, ample physical accommodation for oth roads, and, in my opinion, the Canadian Pacific Railway should be comrelled to use the existing Canadian National line upon terms to be mutually greed upon by the respective parties, in case they fail to agree, then to be setled by the Board. 33-3

It also developed at the hearing that the Canadian Pacific Railway Company was willing to exchange joint running rights between the Canadian National and themselves, they agreeing to give the Canadian National access over their belt or loop line from the point of connection with their line to the Grand Trunk station, a distance of about half a mile, in exchange for their being allowed to operate over the Canadian National line to the industry herein described. This proposal seems to have been lost in the discussion and has not again been referred to even in the correspondence, the whole question centering around the granting of running rights over the Canadian Pacific Railway to the waterfront and industries.

Therefore, the application as made should be dismissed, but an order should issue directing the Canadian Pacific Railway Company to use the line of the Canadian National from a point on the plan filed south of Pearl street, marked in red, to the Eugene Phillips property, and that the Canadian National Railways be directed to allow such user; if the parties fail to agree upon the terms within one month from date, then the same to be settled by the Board upon application by either party or by the city of Brockville, which is an interested party by reason of its contract with the Eugene Phillips Company and should at any time in the future the Canadian National require running rights over the Canadian Pacific Railway from the junction to the Grand Trunk Railway as above mentioned, they are to have the same under like conditions as herein provided for the user of the Canadian Northern Railway line by the Canadian Pacific Railway.

APPLICATION OF C.P.R. CO. in re COMPANY'S PROPOSED LINE LANGDON NORTH (ACME TO EMPRESS) BRANCH

Judgment of Chief Commissioner, February 2, 1922, concurred in by Commissioners Rutherford and Lawrence. Assented to by Assistant Chief Commissioner under separate Judgment February 6, 1922.

This application is one on behalf of the Canadian Pacific Railway Company asking for a connection with the Canadian National Railways tracks at Drumheller, in the province of Alberta. The application is resisted by the Canadian National Railways very strongly on the ground that the Drumheller coal fields are industries naturally belonging to that company, they having spent many millions of dollars to put themselves in a position to handle the business, and allege that they are able to give service to all points generally to which Drumheller coal is distributed.

The Canadian Pacific Railway Company rely upon precedents created by this Board in granting transfer facilities, such as the London Case, 6 C.R.C., 327; the Calgary Case, file No. 10921.95; and the Ottawa Case, all of which lay down very broad principles in granting these transfers, but I am more impressed by what has taken place publicly and by negotiation between the parties during the past three years than by the principles heretofore enunciated by the Board.

The question of an entrance into the Drumheller coal field by the Canadian Pacific Railway Company was settled by Parliament when a charter was granted giving them that right. An agreement was then made with the Canadian National Railways and this Board providing for the construction of a joint line of thirty miles in length east of Rosedale, and the Board, only a short time ago, approved the location asked for by the Canadian Pacific Railway on the north side of the Red Deer river. The Canadian Pacific Railway now claim that, temporarily, they wish to use a connection already in existence on the south side of the river by which they can carry on business for the present north and west, but not to the east, until the original scheme is carried into effect.

The principle which I think should settle the action of the Board in this matter would be what would the Board do should the Canadian Pacific Railway construct its line along the north bank of the Red Deer river and the joint section from Rosedale to Bull Pond and thence to its eastern connection? Would the Board grant transfer facilities or not under these conditions? I think it would—in fact, I fail to see how we could do otherwise, and, therefore, as the Canadian Pacific Railway Company is now into Drumbeller, under these conditions, I fail to see how we could refuse to grant the physical connection, and, therefore, an Order should issue granting the application.

McLean, Assistant Chief Commissioner:

The reasons for judgment of the Chief Commissioner make the matter turn, in the main, on the intention of Parliament as evidenced in legislation. approach the matter from a somewhat different standpoint. My opinion, in the past has been, as expressed in various cases, that the primary question is what, if any, additional necessary services will be afforded to the public by the granting of interchange facilities.

In the London interchange Case, G.T.R. Co. vs. C.P.R. Co. and City of London, 6 Can. Ry. Cas., 327, at p. 331, the late Chief Commissioner Killam

said:-

"The provisions of the Railway Act which require railway companies thus to interchange traffic to connecting points are introduced, not for the purpose of benefiting one railway company at the expense of another, but solely in the interest of the public."

It has seemed to me that where there is no real complaint of inadequacy of service by the railway already in place, or allegation that additional places would be served by means of an interchange track, the argument for installation of interchange facilities is a weak one. In the present instance, the evidence as adduced by the Canadian Pacific Railway Company at Calgary in support of the application was, if the matter is to be looked at from the standpoint of this particular evidence and independent of matters of general principle established in decisions of the Board, exceedingly weak and inconclusive.

Mr. Jesse Gouge, a coal operator in the Drumheller field, who appeared on behalf of the application and who was the main witness of the Canadian Pacific Railway, when questioned was unable to point to any unsatisfactory service in respect of forwarding movements by the Canadian National from Drumheller. On the contrary, he very frankly stated that a great improvement had taken place in that service and that it was quite satisfactory. Further, he was unable, when questioned, to refer to any additional areas which would be served by means of the interchange track and which were not at present served by the Canadian National.

In the hearing at Ottawa, evidence was adduced showing that there was

some additional territory that would be served.

When the matter was spoken to at Winnipeg, details were put in by various parties regarding delays in transit over the Canadian National lines, and similar information had already been put in at Regina. The essence of this complaint was that there were delays in transit and that these would be lessened, if not obviated, if additional means of carriage were available.

I am not satisfied that an analysis of the data submitted in respect of the Canadian National movements shows, all things being considered, that there

was unreasonable delay in transit.

I might, if it were worth while, analyse in detail statements made in telegrams filed with the Board on behalf of the respective contentions of the Canadian Pacific Railway Company and of the Canadian National, and thereby 33-31

draw the attention of the railways to the worthlessness of such material by way of evidence and statements in rebuttal. Telegrams are as easy to obtain as signatures to petitions. A marked degree of broadmindedness was shown by some of those telegraphing, as telegrams were received from them in the first instance supporting the Canadian Pacific position, and subsequently telegrams were received from them supporting the Canadian National position.

So far as the evidence was submitted, there was nothing, to my mind, to show that the Canadian National was not adequately handling the situation at

In connection with a number of interchange cases in which I have participated, I have expressed the opinion that the company upon whose line, including private sidings tributary thereto, traffic is loaded, should be entitled to the line haul and to the privilege of effecting the required delivery on the line of the other company by means of interswitching at destination. See my dissenting opinion in the Ottawa Case, File 18023.

In the Brantford Case -interchange connection tracks between the Lake Eric and Northern and T.H. and B, and the Lake Eric and Northern and Grand Trunk Railway, File 6713.120, a similar recommendation was adopted by the Board. A similar provision was also put in the Belleville-Interchange Order. When the Interswitching order was later revised, the practice of placing such

limitation in the order was given up.

I refer to this simply as bearing on the position which would seem to me to be proper, viz., that the important criterion in connection with determining whether interchange facilities should or should not be granted was whether the existing railway was unable to grant adequate facilities.

As pointed out in the majority decision in the Ottawa Case:-

"Perhaps it should be stated that transfer tracks are not ordered merely because some railway asks for them. Neither railway is entitled to them as a right in itself. The property and advantages of one railway should not be interiered with for the mere benefit of another. Public interest, economy of movement to the shipper and convenience must be

I am compelled, however, to say that the trend of the judgments in regard to interchange facilities has been steadily away from the factor which I have considered as the main criterion, and whatever my personal view may be, I

am, of necessity, bound by the decisions of the Board.

There have been a considerable number of cases in regard to interchange facilities; and it seems to me that the principle which has gradually become more manifest in connection with such applications is that where there are such physical conditions as lend themselves to interchange and there is at the same time a reasonable amount of traffic concerned, the order should be allowed.

In the application of the Western Terminal Elevator Company, Limited, File 22317.16, in which judgment was rendered on June 7, 1921, the Chief Commissioner in his judgment referred to the question as to whether or not an industry which is well served by one railway should be allowed the same privilege from another and competing railway; and continued, that without laying down any principle to be followed in all cases, he was of opinion that the Board would not be justified in the present instance in refusing any elevator at the head of the lakes a right to connect, at its own expense, with any railway entering that territory.

If this judgment were taken by itself, it might be argued that the peculiar facts of the traffic in grain at the head of the lakes, as referred to in the judgment, does create a condition differentiating it from conditions arising where

the facts were dissimilar.

In the application of the Municipal Council of the town of St. Jérome, Quebec, for an order directing the establishment of an interchange track between the Canadian Pacific Railway and the Canadian National Railways, within or near the limits of the town—File 6713.180, in which judgment was rendered on October 12, 1921, the Chief Commissioner, in giving decision that the order should be granted, expressed the opinion that while there was not the same demand from the public standpoint in the present case as in the Western Terminal Elevator Company's case, there was little difference of principle, and that the public should have some rights in deciding how its traffic should be routed.

Exactly the same principle was involved, in a smaller way so far as the Canadian National is concerned, as in the Drumheller case. The Canadian National opposed the application for the establishment of an interchange track on the ground that so long as it was able to deliver goods originating on its lines there was no justification for providing facilities to have them diverted. The Canadian Pacific Railway Company opposed the application on the ground of expense. The applicant urged that the facility was in the public interest, claiming that when coal arrived by the Canadian Pacific Railway it had to be carted one-half mile or more to the industries. It also contended that large quantities of hay and farm produce for the north country had to be carted from car to car at St. Jérome.

The decision in the St. Jérôme Case goes very far. As the latest in a line of greatly broadening attitude in respect of the grounds on which interchange tracks should be greated it in respect of the grounds on which interchange

tracks should be granted, it is especially significant.

Constrained by the positions which have been developed under the judgments, I assent in the present case.

APPLICATIONS OF DEPARTMENT OF LANDS, FORESTS AND MINES, NORTHERN DEVELOPMENT BRANCH, ONTARIO, IN *re* CROSSINGS, DISTRICT OF KENORA, CANADIAN PACIFIC RAILWAY

Judgment of Assistant Chief Commissioner, February 6, 1922, concurred in by Commissioner Rutherford.

The crossings concerned are approximately 218 and 220 miles respectively west of Fort William; one being located in the township of Eton, and the other in the township of Aubrey.

The survey of the township of Eton was made in the year 1896, instructions for the survey having been issued on June 18, 1896. The survey was completed in September, 1896. The survey of the township of Aubrey was made in the year 1897, under instructions dated July 8, 1897.

The applications while concerned with particular instances turn upon a question of general principle. The matter involved is whether the applicant has

such legal rights as to establish its seniority.

In Ontario Department of Public Works vs. Canadian Pacific Ry. Co., 24 Can. Ry. Cas., 231 (the township of Kirkpatrick Case), there was before the Board an application directing that a highway crossing over the Canadian Pacific Railway Company be ordered, at the expense as to construction and maintenance of the railway.

As indicated, in the judgment in question, there was before the Board the question of the proper construction of section 2 of the Provincial Act 59 Victoria, thapter 11, in relation to the Order in Council of August 6, 1866, the material

portion of which is set out in the reasons for judgment of the Chief Commissioner in the case above referred to. The section in question provided that:—

"2. Such transfer shall be deemed to be subject to any agreement, least or conveyance affecting the same made by the Government of Ontario before the passing of this Act, as well as to the limitations and conditions, if any, in the Order in Council making the transfer, and the Order in Council shall not be deemed to have conveyed or to convey the gold or silver mines in the lands transferred, or to affect or prejudice the rights of the public with respect to common and public highways existing at the dete thereof, within the limits of the lands hereby intended to be conveyed."

In this case, the railway contended that the right-of-way was the absolute property of the company. The province of Ontario, through its Department of Public Works, claimed that the company's title was subject to highway reservations as yet unexhausted. The judgment of the Chief Commissioner read the section of the Provincial Act, already referred to, as referring to the rights the public possessed under any declaration or Order in Council made by an authority competent to create or reserve them, and which continued to exist at the time the Act was passed.

The decision in question was appealed to the Supreme Court. The railway contends, in effect, as is later pointed out, that on a proper construction the judgment of the Supreme Court will uphold the contention of the railway. As to the facts involved, reference may be made to the decision of the Chief Commissioner and of the Assistant Chief Commissioner at pp. 231, 235, and pp.

235-238 respectively.

The argument of counsel for the railway sets out that in the case stated to the Supreme Court there was the following finding:—

"Upon its appearing that no highway was laid out across the said railway before the title to its right-of-way was acquired under the said Order in Council, and upon its appearing that the company's title was under the terms of the said Order in Council dated October 31, 1901, made expressly subject to the conditions and limitations contained in section 2 of the said Provincial Act."

Counsel sets out that this is nothing more than a finding, and refers to the statement of counsel for the Department of Lands and Forests that there was no evidence offered to prove that there were no highways between Sudbury and Sault Ste. Maric. The statement of counsel for the Department of Lands and Forests is set out later.

Counsel for the railway said "Our contention is that the Supreme Court

misinterpreted the finding of facts of the Board."

Counsel in paraphrasing the language of the Chief Justice says:-

"He says that if the language of the Statute had been slightly transposed: he has in view his finding that there were no highways from Callander to the boundary, and then he says that to give it any meaning at all he has to transpose it and it would read: Shall not be deemed to effect or prejudice the rights of the public existing at the date thereof with respect to common or public highways."

The argument of counsel is, in effect, that if the Chief Justice had not been constrained by the language of the finding of the Board the majority decision of the court would have been in support of the construction the railway argued for; and it is, therefore, argued that the Board is free to act untrammelled by

the judgment of the Supreme Court. It would follow, then, that if the judgment in question may be treated as non-existent that the board is in a position to deal with the matter de novo. Counsel's language in this connection puts the matter in a summary way:—

".... if I assume that the Board in dealing with this question now does not go back to its former judgment, but it goes back to the interpretation of this clause of the Supreme Court, I would urge this that if I can show that the Supreme Court was misled or misinterpreted the facts upon which their finding was made that then we are entitled to ask and the Board is free to act untrammelled by that judgment at all."

The submission of counsel for the department is:-

"The real question at issue is the matter of who should bear the expense, and that is determined by seniority. I understand the rule of the Board is that the expense shall be borne by the party junior in right. In this case, the question would be, Has the province the seniority of right of the crossing for highway purposes? And if it should be determined by your Board that they have such a seniority of right, that then the expenditure should be borne by the railway. That I understand is

the question.

"Now, as to that we have the decision of this Board in the Kirkpatrick case. The Assistant Chief Commissioner will be quite familiar with the evidence and the facts that were before the Board in that case. The judgment is the judgment of the three Commissioners, and the findings of the Chief Commissioner and the Assistant Chief Commissioner at that time are based upon the right of the province and not upon any question whatever as to whether there had been any crossings between, say, Sudbury and the Soo at that time. It is purely a question as to whether the Order in Council by its terms and the proper application of it gave a priority of right to the province for a crossing, and the five per cent reservation applied for that purpose.

"Neither in the report of the findings and decisions of either of those two Commissioners was there any suggestion that there had been no crossings upon that railway between Sudbury and the Soo, and I take it that there was no evidence adduced in connection with that at all. I am informed that the province put in no evidence in regard to that. That being so, we have the expressions of opinion of the Commissioners, and I refer particularly to the Judgment of the Assistant Chief Commissioner in Volume 7 of your own Judgments, at page 206. And, also, at page 211, the Judgment of the Chief Commissioner. I submit that the find-

ing and opinion of the two Commissioners was good law."

If the argument that the Board is "free to act untrammelled" by the judgment of the Supreme Court is acceded to, then it appears to me that the

question arises, what was covered by the Board's own decision?

The fact may be noted that the dissenting opinion, written by me, turned entirely on a question of construction, and was in no way dependent on a particular state of facts. Textual analysis of the judgment will substantiate this. I approach, with some hesitancy—because I differed—the consideration of what is set out in the majority decision. A textual analysis of the decision of the Chief Commissioner which, under the Railway Act, section 12, subsection 2, is conclusive on a point of law, shows, in my opinion, that the legal positions therein set out and accepted as the majority decision are, as the matter appeals to me, expressed without any qualification based on particular facts.

The Chief Commissioner held that the Order in Council still stood. In dealing with the question of the highway rights involved, the following language was used:—

"Apart, however, from the matter of considerations, the Order in Council of 1866 still stood. It was unrepealed. The grounds on which that Order was passed still largely obtained. The country was still sparsely settled; and, to the extent at least that Crown lands in the district covered by the order were generally patented, the 5 per cent reservation would doubtless have been made.

"The Order in Council of 1901 does not deal with that of 1866 one way or the other, but a direct limitation of the company's title is made

by section 2 of the Act already set out.

"It is urged on the one hand that the limitation there made refers only to existing highways. If this reading of the Act be right, the highway in question being new, the municipality must pay the cost of the crossing construction.

"The contention of the province is that the Act should be read as protecting and continuing the existing rights of the public with respect

to common and public highways.

"In this connection, the use of the words 'the public' is not happy. It would undoubtedly have been better if the rights were defined as those of the Government or of the municipality, as doubtless roads are laid out and otherwise dealt with through these agencies. The use of the words 'the public' supports the contention that the right of reservation was the right of the public to use existing highways.

"Recognizing, however, these difficulties, I am, nevertheless, of the opinion that the company's title ought to be construed as subject to a

reservation of existing rights.

"I am of the opinion that the Act and Orders in Council should be construed as reserving the public right of highways, but conveying an

absolute title in all respects.

"Highways may exist in law that have never been laid out or in any way improved. The right of the public to use the highway, that is, to travel on it, and the highway itself, may be non-existent, except in the case of the highway on paper, although a highway as a matter of law exists.

"I would, therefore, read the section as referring to the rights the public possessed under any declaration or Order in Council made by an authority competent to create or reserve them and which continued to exist at the time the Act was passed.

"The Order in Council of 1866 was passed by a competent authority

and was unrepealed in 1901."

C.P.R. Co. v. Ontario Dept. of Public Works, 24 Can. Ry. Cas., pp. 234, 235

As I have said, I approach the analysis of the majority judgment with some hesitancy. I dissented therefrom. My colleagues who wrote the decisions from which I dissented are no longer members of the Board. It is not for me to endeavour to look into their minds at the time their judgments were prepared other than is indicated in the words of their judgments; and I am not in a position to say that if the matter were being gone into anew they would now accept the construction of the law which is set out in the dissenting opinion.

Under these circumstances, in so far as the facts involved in the present application are on all fours, I am of opinion that the decision of the Board in

the Township of Kirkpatrick Case applies.

It is contended by counsel for the railway that even if the decision in the Township of Kirkpatrick Case stands, the Order in Council of 1866 is not

applicable to the territory involved in the present application.

Reference has already been made to section 2 of the Provincial Act, 59 Victoria, chapter 11. There is on the files of the Board, submitted in connection with the present case, a certified copy of a letter dated May 31, 1897, and written by Messrs. Scott and Scott, the solicitors, at Ottawa, of the Canadian Pacific Railway Company, to Aubrey White, Esq., Assistant Commissioner of Crown Lands, Toronto. The letter reads as follows:—

"Pursuant to chapter 11, 59 Victoria, we beg to apply on behalf of the Canadian Pacific Railway for patents for the land at present occupied by the railway from Fort William to the western boundary as appears upon plans of the completed railway filed in your department bearing the certificate of the Deputy Minister of Railways. As the Act requires application to be made to the Dominion Government, the Deputy Minister of Railways has promised us to write to you making the necessary application that patents for the land in question be granted to the railway company. We would be much obliged if you would give this matter your prompt attention and let us know if anything further is required in order that patents may issue to the company."

As indicated, the points concerned are located west of Fort William. These points are located within the boundaries of the province of Ontario as dealt with in the Imperial Statute of 1889, 52-53 Victoria, chapter 28. The boundaries so established relate back to the conditions as they were not only at the date

of Confederation but also to what they are at the date of the Order in Council. As is set out in the decision in the Township of Kirkpatrick Case, the Order in Council of August 6, 1866, deals with the surveying of the lands on the "northerly shore of lakes Huron and Superior," the 5 per cent reservation being related thereto.

C.P.R. vs. Ont. Dept. of Public Works, 24 Can. Ry. Cas., 231, at p. 232.

The word "northerly" is admittedly a word of somewhat inexact meaning. Counsel for the railway says:-

"Now the two crossings in question are probably about 200 miles west of Fort William. They cannot by any stretch of the imagination be considered as on the northerly shores of lakes Huron and Superior, and I would contend that the Order in Council of 1866 cannot in any event apply to them."

In another connection, counsel says:

".....my second contention was.....that in any event the Order in Council was limited by its terms to the lands north of lake Huron and lake Superior."

Referring to the second extract, the word "north" is, I take it, used advisedly, and if the Order in Council so read the definition would be much more exact.

In the proceedings in connection with the determination of the Ontario boundary, much turned upon the definition of the word "northward." In the course of the argument before the Privy Council, Christopher Robinson, Q.C., counsel for the Dominion of Canada, cited authority bearing on the proposition that the word "northward" taken by itself means the north, if there is nothing to alter or change that direction. He also cited authority bearing on the use. in a particular case, of "northerly" as meaning due north (see the argument before the Privy Council "In the matter of the boundary between the provinces of Ontario and Manitoba in the Dominion of Canada; between the province of Ontario, of the one part, and the province of Manitoba, of the other part," at p. 345). In the argument of Hon. Oliver Mowat, before the arbitrators who reported in 1878, the contention, as bearing on the western boundary of Upper Canada, was advanced that "northward" does not mean due north, and that "northward" may mean any northerly direction; either due north or towards the northwest or northeast. The argument is contained in the documents contained in the reference to the Privy Council, 1883.

The finding of the arbitrators in 1878 upheld generally the construction urged by the province of Ontario, through its counsel, including as a necessary

consequence the construction placed upon the word "northward."

The Imperial Order in Council of August 11, 1884, in referring to the award of the arbitrators, found "so much of the boundary lines laid down by that award as relate to the territory now in dispute between the province of Ontario and the province of Manitoba to be substantially correct and in accordance with the conclusions which their Lordships have drawn from the evidence laid before them."

Inferentially, the construction placed upon the word "northward" by the province of Ontario is approved. Without being too rigid in expression, it would appear that the definition so accepted is of some use in endeavouring to ascertain the meaning of a somewhat similar word, which is admittedly some-

what ill-defined in scope.

The Century Dictionary and Cyclopedia defines "northerly" as pertaining to or being in or toward the north; northern. Murray's Oxford Dictionary defines "northerly." to the northward; towards the north or the north side. Anderson's Dictionary of Law states that north is not synonymous with northerly

or northwardly.

"Northerly" as used in the Order in Council of 1866, in my opinion, does not mean simply the "north" shore. The word "northerly," which is admittedly of wide scope, covers northwest as well; that is, if there is the attribute, so to speak, of "northness" to the direction, it may be bound up with other points of the compass as to direction. It, therefore, seems to me that "northerly shore of lake Superior" carries with it the applicability of the Order in Council in a north-westerly direction, and that it is applicable to the territory herein involved.

At the hearing, there was set out the practice which had been followed in respect of the 5 per cent reservation; and a considered statement was made as

to the practice applying in the territory herein involved.

The considered position as to the practice is set out in the presentation by Counsel for the Department of Lands and Forests. The citations are from volume 363 of the evidence:—

\* \* \* \* \*

"Mr. Titus: However, in the surveys in the northern part of the province, it was simply laid out in townships.

"Mr. FLINTOFT: Were the lots 210 or 200 acres?

"Mr. Titus: They were 320 acres.

"Mr. Flintoft: In granting a patent of these 320-acre lots, did the patent in fact cover 320 acres or 352 acres?

\* \* \* \* \*

"Mr. Titus: The patent is for the full size of the lot, reserving

five per cent for road purposes." (p. 8248)

"Mr. Titus: The fact I am anxious to show that the township of Eton has been surveyed without the laying out of roads, and with a reservation of five per cent for road purposes.

"Mr. FLINTOFT: I do not know anything about that at all. I know

how the plan is.

"Mr. Titus: The plan shows that.

"Mr. FLINTOFT: It shows it is laid out at 320-acre lots.

"Mr. Titus: And without any roads laid out.

"Mr. FLINTOFT: Without any roads certainly, but I don't know whether it was contemplated that there would be a five per cent reserva-

tion when they would be patented or not.
"Mr. Titus: I thought that was a necessary inference; if you lay it without any roads, and there is an Order in Council providing that there shall be a five per cent reservation, that it necessarily follows.

"Mr. FLINTOFT: It depends on whether the Order in Council applies. \* \* \* \* \*

"Mr. Titus: That is all I need say with reference to that; that is, that the survey shows that there has been no laying out of roads. "Mr. FLINTOFT: Yes, I can agree with that. This is the Government plan of the township of Eton." (pp. 8249-8250)

Again, in referring to the instructions issued to the Ontario land surveyors in connection with the survey of the township of Eton, Mr. Titus said, at pp. 8251-2:-

"....Then we have the report showing how it was laid out according to that plan; that is, without any road allowances being surveyed....

It is contended, however, by counsel for the railway, that the fact that the railway holds the land herein involved under a patent of March 29, 1904, has significance. In the case of the township of Kirkpatrick, the patent was of different date. It is contended that the title west of Fort William does not depend on the Ontario Act of 1896. The line from Fort William west to the Manitoba boundary was built by the Dominion Government under the legislation of 1874. The Public Works Act of 1867 and the amending Acts thereof are referred to as being the authority under which the Government was acting for the expropriation of the lands. The patent of March 29, 1904, conveyed to the Canadian Pacific Railway Company the railway between "the town plot of Fort William and the province of Manitoba and certain parcels of land set out and described in the patent". It is set out:-

"Our contention, then, is shortly on this point that the Dominion Government appropriated this land under its powers for the purpose of this public work. They agreed to convey that land to the Canadian Pacific Railway Company. They have done so by this patent. Legally, we are not required to know anything about what they did to get that land....we say we are in possession under the proceedings indicated and that having that in view we do not depend for our title to this portion of the right of way or the Act of the Legislature at all, although in terms. I admit, that the Act of the Legislature provided for the vesting in the Dominion of the lands required for the right of way of the Canadian Pacific from Callandar west to the Manitoba boundary." (Evid., Vol. 363, pp. 8268-8270).

The railway referred to the negotiations which had taken place between the Dominion and the province as to the lands involved. The railway submitted

a plan referred to as being signed by a Mr. Peterson on the 12th February, 1897. and filed in the Department of Railway and Canals on March 5, 1897. This map was referred to as having been prepared by the Departmental officers of the province of Ontario, and the indication, as shown thereon, of crossings at various points is referred to by counsel as the measure of what the Act of 1896 called for, viz., the reservation of common and public highways, existing at that time.

It does not appear to me that the plan has the conclusive effect which is

attributed to it.

Having in mind the situation that led up to the settlement of the boundary disputes and the title of the province to the lands in the area involved, it seems to me that notwithstanding the argument of counsel the transfer of the lands to the Dominion was under the Provincial Act 59. Victoria, chapter 11, and that the Canadian Pacific took from the Dominion with the existing obligations attaching thereto.

Under the legislation of 1896, the lands transferable to the Dominion, in order to enable it to fulfil its obligations to the Canadian Pacific in respect of roadbed, station, station grounds and other purposes of the said railway, included an extent from "Calander Station" to "the western boundary of the province

of Ontario near Rat Portage."

The land transferred from Fort William west, which is herein involved, is, in my opinion, subject to the provisions of section 2 of the legislation of 1896 as to "the rights of the public with respect to common and public highways existing at the date hereof, within the limits of the lands hereby intended to be conveyed;" and the provisions of the Order in Council of 1866 I, also, hold are applicable. For the reasons already stated, it appears that under the decision in The township of Kirkpatrick Case the reservation under the Act of 1896 refers "to the rights of the public possessed under any declaration or Order in Council made by an authority competent to create or reserve them and which continued to exist at the time the Act was passed."

The specific applications have stood pending decision as to the matter of rights in respect of seniority. The application on file 30870 was objected to by the railway in the following terms, as set out in the communication on file:—

"It appears that the location of the crossing asked for is 8 feet deep on a 2° 30" curve. Trains in either direction could not be seen until those in the highway would be almost on the track. There is a private crossing a few hundred feet west of the point at which the proposed crossing is sought, and while the visibility is better than at the proposed crossing, even there it is by no means satisfactory. If a road diversion were made to reach this private crossing it would have to be made over privately owned property.

"Our officials are of the opinion that the application should not be

granted."

The Board's Division Engineer who made an inspection of the matter before the hearing advised as follows:—

"On going into the question of the proposed crossing on the line of the road allowance, or concession line, I find at the point of crossing that

the cutting is not more than between 5 and 6 feet.

"Teams approaching from the north on the roadway can see the tops of approaching trains, in both directions, for a distance of at least eight or nine pole lengths. Teams approaching from the south can see trains approaching from the west for a long distance, but the view of

approaching trains from the east is not quite so good, but trains can be readily seen from this direction at a distance from the track of about 75 feet.

"On going into the question of a diversion for the road crossing near this point, I find that the diversion would have to be made a long distance off the Concession line, and the view of approaching trains would not be much improved. The crossing referred to right at mile 73 is a private crossing and is being used at present. The view of approaching trains coming from the west is not good at that crossing, but, of course, trains can be seen for a long distance approaching from the east.

"On going into the matter carefully, I am of the opinion that the application of the Department of Lands and Forests for the proposed crossing should be granted. I would, however, recommend that a few scattered trees be cut down on the southeast side of the approach to the

crossing."

This report was concurred in by the Board's Chief Engineer.

I am of opinion that order should go in terms of this recommendation.

The application which is on file 28140 is for an overhead crossing. This matter was brought up in the first instance in 1917 on the application of Sam Stephenson, of Oxdrift, Ont., the application being for a public crossing.

The Canadian Pacific Railway Company in its answer stated that at the point in question the company's tracks pass through a cutting 8 feet deep, and that the view approaching this crossing will not be good. It is stated, further, that the company's local officials suggest, if a crossing is to be put in, it should be put in at a point 200 yards west where the view in either direction will be good.

An inspection was made by the Board's Assistant Engineer and his report was sent to the Minister of Public Works of Ontario under date of December 18, 1917, the Government being the body with authority to make the application. Copy was also sent to the railway.

The recommendation of the Board's Assistant Engineer, as contained in

his report of December 11, 1917, is as follows:—

"On taking up the question of putting in a crossing across the main line tracks of the Canadian Pacific Railway on the concession line between lots 6 and 7, I am not in favour of it, as the crossing comes through the centre of about a 9-foot cut, which would be a very dangerous crossing on account of the view being shut off from trains approaching from a westerly direction on the north or eastbound track. I might here say that a crossing anywhere in this vicinity is a dangerous proposition on account of the almost incessant traffic that takes place in the fall and part of the winter every year; there being a train in one direction or the other at this time less than every twenty minutes. Therefore, it is necessary to locate the proposed crossing in the best possible place, in order that passing teams may get a good view to approaching trains.

order that passing teams may get a good view to approaching trains.

"The railway company's suggestion is to divert the proposed crossing to the west for a distance of six or seven hundred feet, where there is no doubt a plain view could be got of passing trains, but this is not desirable as it increases the length of the road fourteen or fifteen hundred feet that teams would have to travel; it would also necessitate passing over a very bad muskeg, which would be an expensive proposition to build a

road and keep it up.

"An overhead bridge was thought of, but this is out of the question on acount of cost; the supporting ground not being nearly high enough and not sufficient traffic to warrant the cost of the erection of an overhead bridge.

"On going into the question carefully and having in mind the danger to passing teams, of putting in a crossing in this vicinity, I would recommend the following: The crossing to be installed fifty feet to the east of the centre line of the concession line. This will bring the crossing just to the east of the cut, or at the mouth of the cut. By installing the crossing at this point, trains coming from the east can be easily seen on both sides of the crossing for a distance of nine pole lengths. A team approaching the crossing on the road from the south can get a good view of trains approaching from the west on the north track; the great danger being for teams approaching the crossing from the north getting a view of train approaching from the west on the north or eastbound track."

On consideration of the Assistant Engineer's report by the railway, exception was taken by it. The Deputy Minister of Public Works of Ontario, under date of April 3, 1918, stated that, on consideration, it appeared that there was no great demand for a crossing at the point in question; and that, further, from the report of the Assistant Engineer it appeared that there would be considerable expense involved in making the crossing a fairly safe one; and the opinion was expressed that the conditions did not warrant such expenditure at the present time either by the railway company, the Ontario Government, or the local parties.

The application as launched in 1921 applies for an overhead crossing.

At the hearing in Toronto, counsel for the Department of Public Works stated (Vol. 363, p. 8254) that his clients were now prepared to accept the recommendation as made in the Assistant Engineer's report of 1917. He said that if the place had been much travelled it might have been contended there should be an overhead crossing. He admitted, however, that it was not much travelled, and that a level crossing, under the conditions as recommended by the Assistant Engineer of the Board, would be a reasonable proposition. Order may go accordingly.

APPLICATION OF BELL TELEPHONE COMPANY OF CANADA FOR INCREASE IN TELEPHONE TOLLS.

Judgment of Commissioner Boyce, February 7, 1922, concurred in by Deputy Chief Commissioner and Commissioner Lawrence. Dissenting Judgments of Chief Commissioner and Asst. Chief Commissioner, February 9, 1922.

The application of the company is in the following form:-

"On July 23, 1921, the Bell Telephone Company of Canada applied to the Board of Pailway Commissioners, for an order, under Section 375 of the Railway Act 1919, 9-16 George V, chapter 68, authorizing the undermentioned increases in telephone tolls which is presently authorized to charge, which application is summarized as follows:—

"1st. That the rates authorized do not produce sufficient revenue to meet its dividend requirements and therefore do not carry out the intent

of the judgment and Order rendered by the Board in April last.

"2nd. That it has found it impossible to obtain the new money required to enable it to extend its facilities, owing to inadequate earnings.

"3rd. That it has approximately 16,000 applications for service which

it cannot supply owing to general shortage of equipment. And

"4th. That unless large capital outlays are immediately arranged for, the shortage of equipment will become so serious and so prolonged that the public will be seriously handicapped through inability to obtain telephone service."

There is then submitted, for the approval of this Board, a general tariff of rates for exchange service involving substantial increases in telephone tolls extending over the whole of the exchange area. The increases vary from 2 per cent to 95 per cent, and would, on the whole average, perhaps, 20 per cent. The percentage increase resulting from the proposed tariff is not the immediate and important factor in deciding as to whether it is such a just and reasonable tariff as, under the Railway Act, should be approved by this Board, having regard to the conditions and service to which it is proposed to apply it.

No changes are proposed to be made for rural service, long distance service, service connection charge, or any other charges, for which the tariffs are on file

with this Board, other than those mentioned in the application.

The reasons submitted throughout the hearing, in support of the application for the approval of the tariff are, generally, those appearing in the application itself.

The onus of establishing the fairness, justice, and reasonableness of such a tariff, as is offered for approval of the Board, must rest upon the company proposing it. Beyond the fact that it is stated, on behalf of the company, that by means of the proposed new tariff, which the Board is asked to sanction, the company will be able to derive sufficient additional money from subscribers to meet an alleged deficit in operation, I am unable to find in the evidence, any specific or cogent reasons for the particular tariff changes proposed.

Before dealing further with the proposed tariffs it may be useful to consider this proposal in relation to the history of previous applications for increases

in rates made to the Board by the company in recent years.

The first general application, by this company, for increased tolls, came before the Board in 1918, and after a lengthy hearing resulted in a judgment of the Board, dated April 24, 1919, providing for a 10 per cent increase in exchange rates, a revised increase in long distance service, service connection charges, removals, etc., as set forth in the Board's Order of May 13, 1919. That application was based entirely upon emergency conditions resulting from the war, and in consequence of the sharp advances in operating costs. The Board authorized the percentage increase in exchange business as a temporary and emergency measure, retained control of the case with the expressed understanding that revision of the emergency tolls, so authorized, should take place when the emergency

conditions justifying them had ceased to exist.

By a subsequent application, made in 1920, the telephone company represented to the Board that the cost of labour and materials, incident to the operation of its business, had continued to advance rapidly since the issuance of Order No. 264, and it was stated that as a result the increased rates allowed upon the previous application had proved insufficient to provide for the applicants' requirements. The company, in that application, proposed some changes in the tariff, but notably a substantial change as affecting five of the largest cities within the telephone area, by the introduction of the measured rate system. That application, like the former one, was treated as one of emergency, and after a careful and exhaustive hearing by the Board it was decided, by its judgment, dated April 1, 1921, that temporary relief as against this emergency should be granted in the form of an increase of 10 per cent in the then existing exchange rates. The application of the company, as to tle measured service, was disallowed, it being found that there was no evidence to support it. The tariff involving increases for long distance and service connection charges was approved. and an increase of 10 per cent in the tariff of rates for exchange service and charges for miscellaneous equipment and service was allowed. The company stated early in the hearing of that case that it had fallen short of earning dividend since May 1920 by \$2.788.000. This statement is confirmed by Mr. Sise in his evidence (volume 378, p. 15624), but, in arriving at the amount of the

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deficit to be dealt with by the judgment, the Board found that the amount of same was in round figures \$1,000,000, or, to be exact, \$949.867. The accounts taken were upon actual and projected revenues, from May 1920 to May 1921.

In disposing of the application and in delivering the judgment of the Board,

the Assistant Chief Commissioner said (section XV):-

"On the whole, after consideration of the different factors, I am of the opinion that the matter must be treated as one of emergency, and therefore, for temporary relief only."

Before order was made upon the judgment above mentioned, further representations being made by the telephone company, representing an improper basis of computation in reaching the necessary amount required by the company to meet the emergency condition complained of, the amount of the temporary emergency increase of ten per cent was increased to 12 per cent, and General Order No. 338, dated April 13, 1921, was issued, authorizing the above mentioned increase, and declaring that the increases thereby allowed should "be regarded as a temporary measure, to meet an existing emergency situation;" the applicant company being thereby required to file monthly reports, with such further special reports, if any, as may, from time to time, be called for by the Board.

The city of Toronto appealed, under the appropriate clauses of the Railway Act, to the Governor in Council against the above judgment, upon specific grounds, alleging error by the Board in dealing with the depreciation reserve fund of the telephone company. This appeal was argued, on the 14th day of June. 1921, and judgment was reserved, and, while the said appeal was under consideration by the Privy Council of Canada, the present application was

launched

The appeal to the Privy Council was not disposed of, but was referred to

this Board for disposition along with the present application.

The letter, dated July 23, 1921, which is referred to in, and is the basis of this application, alleges that the judgment of the Board of April has not been productive of sufficient revenue to enable the company to provide for its operating requirements, and that letter based upon a consideration of earnings for May and June, which the company represented had resulted in a large deficit, asked that the order granting the 12 per cent increase be so amended that rates will be authorized which would produce a revenue resulting in net earnings of 10 per cent on the company's issued capital. It is stated in that letter, by the company, that the company's estimate as to the increase required in exchange revenue, in order to place the company in the position of obtaining sufficient additional capital to maintain additional service, and provide for plant additions, should be increased by \$1.357,500. In, and by this informal application, of July 23, the Board was asked to permit a further percentage increase in order to provide the amount required. This, the Board declined to do, upon the representations then before it, and the formal application now before the Board to approve a new tariff of exchange rates -not a percentage increase of those then and now in force—resulted in and is, the application now to be dealt with and disposed of upon the evidence before us.

The company proceeded, immediately after the last judgment—that of April 12, 1921—to enter the market for additional money by increasing its capital stock by \$5,725,000, and offering this in April and May (the first circular filed is dated in April, 1921) at par. Indifferent success was met with—probably

due to unfavourable market conditions at the time of offering.

The letter of July 23, quotes a statement from a financial firm with whom negotiations had been opened as regards this stock, as follows:-

"The undersigned syndicate feel that owing to the condition of your company's earnings and the unsatisfactory attitude of the Board of Railway Commissioners, that a satisfactory sale of your common stock could not be accomplished, unless your Directors can assure us that such operating economies can be effected or increased revenues obtained so that the present 8 per cent dividend on your stock can be maintained."

It is a subject of passing comment, perhaps, that this letter was not quoted originally, in its entirety. It was partially quoted originally to support the view that the Board's judgment of April 1 was so unsatisfactory that it had prevented the company from financing its requirements thereupon. The concluding paragraphs, however, obtained upon cross-examination of Mr. Sise, read as follows:-

"Q. Why did you not read the rest of the letters?

"A. What is that?

"Q. The letter continues: However, if your company wishes to continue its construction programme this syndicate would favourably consider the purchase of an issue of seven per cent bonds maturing April 1, 1925, 25 per cent payable as to principal and interest "......

"A. I only read an extract.

"Q. The last paragraph of the letter reads: As pointed out to you by Sir Charles Gordon yesterday, this syndicate would like to be of every service to your company and glad to consider any plan your executive committee might suggest."

This offer was never followed up by the company. The efforts of the company to finance did not impress me as having been very insistent and thorough. The balance of the issue not subscribed by its shareholders was not offered to the public. A prominent financial broker gave evidence at a previous hearing that the common stock of the company was a good investment—but though the company was aware of this statement, by a responsible man, that firm, at least, was never approached on the subject of underwriting. The impression on my mind, from the evidence, as to these alleged disappointments in financing was that as disappointment might possibly justify an immediate return to the Board, for a further increase in rates, it could be borne with serenity as being notwithout its compensations.

The suggestions in the broker's letter, above quoted, as to operating economies by the company increasing the prospects of financing, seem to have been acted upon tardily, and after this application was launched, Mr. Sise eferring to this subject (Vol. 378 p.p. 508 et seq) says—that instructions as o operating economies, given in July became effective only in October and November. Mr. Scott, general superintendent of traffic of the company, in his vidence refers to the economies in number of employees, as follows:—

"I reduced my staff in August by about 100 employees.

"Mr. Osler: In August?—A. Yes, I reduced my staff in August by about 100 employees. I reduced the staff in September by a further 200 and in October by a still further 200, roughly, 500 employees, the reduction being obtained at the expense of loading our remaining employees of the company. That reflects in the costs of September and October.

"Commissioner Boyce: Reduce the cost.—A. It reflects in the cost?

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"Q. Substantial reductions?—A. Absolutely.
"Commissioner Boyce: Why did you not start in April?—A. You will have to ask the executive."

These economies would not be reflected in the company's accounts until two—perhaps three months later—and if persisted in systematically, though with due regard to maintaining efficiency of service, would, from that time forward, be more marked in their effect on the finances of the company.

The application, now before the Board, was launched before these economies were entered upon. The economies were substantial and did not begin to reflect themselves in the accounts until a period of some two months later; yet, without waiting even to commence any economies (such as by later action has been demonstrated to be possible), this application is pressed upon the Board's consideration.

Let us see the results of these economies as they gradually became effective,

as shown in the company's statements of operating costs so far issued:-

OPERATING EXPENSES—May to December (incl.), 1921, as compared with same months in 1920.

	1921	1920	Increase	Decrease
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
May	854,871 57 821,634 89 826,801 61 819,323 41 774,465 36 760,794 73 750,534 61 777,440 00	771,777 97 769,196 19 821,747 36 823,202 71 823,076 22 858,848 32 823,159 84 817,963 00	83,093 60 52,438 70 5,054 25	3,879 36 48,610 86 98,053 55 72,625 23 40,523 06
	6,385,866 00	6,508,971 61	140,586 55	263,691 9

The statement is illuminating. Commencing from August last, the month after the application for the new schedule of increased rates was launched, it will be seen that as a result of economies ordered in July, the operating expenses began to decline, and as a result of five months' operation a decrease of \$263,691.98 was effected. I think it is fair to presume that what results, in this respect, were possible during these months were possible-at the option of the company-for many months preceding this period. The evidence shows that the economies ordered in July did not become effective until October and November. Leaving out August, therefore, as a negative month so far as results of economies ordered the preceding month were concerned, the decrease in operating costs effected in the four months of September to December inclusive, was \$259,812.68—or a monthly average of \$64,953.17—or, projected for a year \$779,438.04 or an amount about equal to the annual bond interest. Had these economies been practiced by the company before, instead of after, the proposition to the underwriting firm, their answer would doubtless have been different. In the light of results, as illustrated, the strictures in their letter as to "the unsatisfactory attitude of the Board of Railway Commissioners" are hardly justified. Their broad hint as to economies in operation is more in point, as evidenced by results when, at last, those economies were instituted.

The conclusion I arrive at on the above facts is that the telephone company did not, before launching this application, so readjust its business, and institute proper and reasonable economies as would in their result have shown that the temporary increase granted in April was sufficient to enable it to carry on without any further increase until a stable rate schedule could be prepared

for approval of the Board.

The present application is not an emergency application. There is no emergency, nor any emergency condition to be dealt with. Whatever emergency there was in 1919, or prior to April, 1921, which justified a temporary emergency increase by this Board, is now passed. Commercial conditions everywhere, and the statements of the company's business, indicate that; and the best evidence that the present application should not be so dealt with is shown in the admissions by counsel for the company on the argument before the Privy Council, as regards the last application, above referred to, in the following language:-

"Mr. Osler: And, my learned friend from the City of Toronto, objected to dealing with the matter in a comprehensive way, and pressed upon the Board, against our protest, that the matter should be dealt with on the evidence that this was an emergency in consequence of the high level of prices and the extraordinary financial conditions, and that the matter should be dealt with on the basis of a pure emergency. Now, we object to that; we said that two years ago one might have thought there was a temporary emergency."

And, in further explaining reason to Privy Council for the last application, Mr. Osler then stated:-

"The company considered that when it was bringing the matter before the Board, it should recast its rate schedules. The history of the company's rate schedules was that of a sporadic growth. When it was first incorporated there was no controlling body vested with authority to control the rates which were charged. The result was, rates were made in some places in competition, in some cases under agreement with the public bodies, and in other cases they simply established what they thought to be a fair rate, having regard to the then existing development. The result of that was that some years ago the Act was amended. One of the company's Acts of Incorporation provided that the company should not increase its rates without the consent of the Governor in Council. No application was made. The country continued to grow at varying rates, and when we came to make the application that was made this year we found a rate schedule that was not a scientific rate schedule."

And in this case Mr. Osler says (Vol. 380 p. 18524):—

"Commissioner Boyce: Then notwithstanding the two increases which you have received of 10 per cent and 12 per cent, 22 per cent, you will say you are face to face with an emergency condition such as you pointed out on those two applications.

"Mr. Osler: We said on the former applications that we thought the rates should be put upon a permanent basis, we could not see that this was a merely temporary emergency. The Board dealt with it otherwise."

I am, therefore of opinion, that this application must be dealt with according the form in which it is presented for consideration, namely as an application or approval of a new tariff of rates and not as a temporary emergency applicaon. To treat it as such would be to perpetuate a pure fiction. What is now efore us is a new tariff of rates upon a higher scale, and which would provide rge additional revenues. In opening his argument before the Board, upon is application, Mr. Osler, counsel for the company, so states it:-

"Mr. Osler: May it please the Board. Our application is for the approval of the rates set out in our printed application, with a view to 33 41

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securing for the company sufficient additional revenue to make good the amount which the Board intended that we should get by its judgment of the 1st April, 1921."

As pointed out in the judgment of the Board, of May 8, 1919, the company's tariffs in force at the present time are not in touch with existing conditions and exhibit inequalities and some discriminations, and shew on their face that certain districts and cities are paying more than others, under substantially similar conditions. In his judgment, in 1919. (25, C.R.C. p. 6), the Assistant Chief Commissioner quotes from the interim judgment of the then Chief Commissioner as follows:—

"In my opinion, should it be found necessary to increase the company's rates, they should be increased subject to the Board's further order and to the further provision, in the meantime, that such data be collected and valuations made as will enable a proper telephone rate to be determined when conditions are ascertained to be constant."

And, in the judgment of last April, the Assistant Chief Commissioner says, respecting the grouping of rates then proposed (and now continued):—

"The general regrouping which had been put forward is tied up to the general percentage of rate increases which the company desires to put in force. Whether or not the groups in general are on a proper basis, I am, in the absence of evidence unable to say. Some of the increases, large as they are, may possibly be justified by facts. An increase of 72 per cent on the business rate in Windsor, of 74 per cent at St. Thomas, of 45 per cent in group 4, covering such places as Brantford, Sarnia, Galt, and Sault Ste. Marie; of 52 per cent in group 5, in places such as Barrie, Lindsay, North Bay, and Orillia, of from 30 to 63 per cent in group 6, and of 50 per cent in group 7, may be justified. But the increases are very heavy, and, still more important, there is no evidence submitted to shew just why these increases in individual cases are justified."

The telephone company having had sufficient time, according to their own admission, since emergency conditions ceased, now brings such a tariff for the approval of the Board. The onus of shewing that such a tariff is a suitable one and meets the various conditions of traffic, with which it is presumed to deal in its operation, lies upon the company, and I would find, as a fact upon the evidence that, the company has not discharged that onus with regard to the present proposed tariff and has not produced any satisfactory evidence to this Board that the proposed tariffs are such as would be suitable, just, and reasonable, for the telephone service mentioned, in the various areas referred to. same inequalities and discriminations appearing in former tariffs in the same places, (with the exception of Montreal and Toronto), and commented upon in the judgment of this Board, and admitted by the company, appear in these tariffs. There seems to have been no effort in the making of them to adjust the rates in any scientific way to the value of the telephone service to the subscriber, having regard to the population of the telephone area, the number of stations, or the cost of the service therein. The proposed rate increases, over the present rate in these places, serve to accentuate the inequitable and obsolescent features of the existing rate. The grouping of towns, under various rates, is not brought about upon any satisfactory basis as to meeting modern conditions relatively to the number of stations and population and value of service, and the rates quoted are out of line. There is no dispute about this.

As I stated above, no attempt was made at the hearing to explain or amplify, or dealt with in detail, the various rates involved. This was commented upon in the argument:—

"Commissioner Boyce: Who prepared this statement?

"Mr. Sise: Mr. Paul McFarlane.

"Commissioner Boyce: And you are asking to put it in force? The evidence is all in, and there has not been a witness called to support any item in the statement."

The Board is asked to adopt them as a whole, and thereby to perpetuate the inequalities referred to. There are discriminations in the tariff proposed-e.g. in the city of London there is a business individual rate specially for physicians, dentists, veterinary surgeons, and nurses, 20 per cent less than the ordinary business individual telephone. This rate seems to be confined to the classes mentioned, only in the city of London, and is not extended to any other place. I quote this only as an example of discrimination, which doubtless, upon a close examination can be found to extend, in other respects, to other places. It would be impossible, in my opinion, for the Board to accede to the request of the company to approve this tariff. In my opinion it is neither just, nor reasonable, and is not suitable to present conditions in the various areas and ought not to be allowed by this Board. In defining what is just and reasonable, I would refer to the principles applicable to advances in rates, and the substance of which involves two propositions, viz:—

1. Whether is is reasonable, having regard to cost and value of service;

and as compared with rates on other commodities.

2. Whether it is reasonable in the absolute, regarded as a tax upon the people who ultimately pay transportation charges.

# Re Freight Rates—9 I.C.C., Rep. 382.

Crews v. Richmond and D.R.W. Co. 1 I.C. Rep. 703.

I think the proposed tariff is open to the objectionable features of both the principles stated above, viz: I cannot, on what is before the Board in evidence, find that it is reasonable from the company's requirements, and I find upon the evidence that it would be neither just nor reasonable, from the point of view of

the people, who are called upon to pay the proposed rates.

It remains to consider, as to whether the proposed tariff of the company, being unsuitable and being rejected, this Board should be called upon, upon this application, to provide (a) a new tariff suitable to existing conditions, and eliminating all the objections which I have generally pointed out to the old tariff; or, (b) provide a percentage increase upon the present exchange rates, in order to enable the company to obtain additional revenue to meet its requirements. I will deal with these in the order mentioned in relation to the statements of the company in and upon which it bases its application to the Board.

(a) It is not one of the functions of this Board to initiate a tariff for this or any telephone, or railway company. Its duty, generally, is to examine and pass upon, approve, or reject, tariffs proposed, having regard to whether, in the opinion of the Board, such are just and reasonable, having due regard to the principles mentioned. True, the Board has the power to reject, or amend a tariff, or direct another, but no duty is cast upon the Board to mould one suitable to various conditions and areas of traffic, dependent upon a multitude of conditions, as to which the Board has no evidence before it. The onus is upon the company to furnish this evidence, and it is not, so far, before us.

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In his judgment, in the telephone company's application in 1919 (25 C.R.C. p. 26), the Assistant Chief Commissioner says:—

"But where a regulative tribunal's jurisdiction comes, as it always has done, after the development of a rate situation, the function of that tribunal is to regulate, not to initiate. If the law povided that a regulative tribunal should be an organization initiating rates, the situation would be different. So long as the existing law of Canada stands as it is, it seems to me that more important than the scientific basis is the question of how the rate works."

I therefore find that, there is not before the Board evidence, material, or data, sufficient to enable it, if it were so disposed, and if it were a proper case so to do, to reconstruct, amend, or alter, the present tariff offered for approval, or, to initiate a tariff providing rates in substitution for that now proposed, and which, I think, should be rejected, and that, in the circumstances, the Board

should refuse to direct a substantive tariff.

(b) I am of opinion that no temporary percentage increase is necessary, or desirable. Such should only be granted to meet an emergency, and, in the view I take, there is no emergency. Mr. Osler, the company's counsel, expressed the same view before the Privy Council and on this application. It is highly desirable that all the company's tariffs of tolls should now be re-cast. To grant a percentage increase upon the present ones would accentuate and aggravate present existing inexactitudes, discriminations, and inequalities. The company's position is such that during the time necessary to prepare the necessary data and information upon which to frame tariffs, suitable to present traffic, it is not imperilling its credit. It claimed at the opening of this application that it has a deficit of over \$2,000,000. I cannot so find. A liberal computation of the company's requirements, drawn from the maze of figures presented to us, and with projections on a basis most favourable to the company, would give the following estimated result on the months, May to December, submitted.—

	For eight months period	Projected for twelve months on same basis
Exchange revenue. Toll revenue. Total telegraph revenue. Total telegraph expenses. Total net earnings. Interest. Dividends.	11,002,929	\$ 13,831,515 5,507,785 19,339,300 16,504,394 2,989,299 1,191,361 1,918,665

SUMMARY	** ***
Total net earnings.  Deduct interest.  Deduct dividends.  1,918,665	\$2,989,299
Predict dividends	3,110,026
Deficit	
Total Deficit	\$600,393

Any tariff to be subsequently submitted for approval should be constructed upon the basis of these requirements, subject to further reductions therein, as the conomies produce better results, so that the people may get the full benefit thereof.

With the continuation of the economies instituted since this application was brought before the Board, the company stand in no danger on account of this

deficit. It alleges that it must finance some 19,000 extensions. I think that it can do so now, in its present position, as easily, if not easier, than it has financed similar or greater extensions during the past forty years of its history

of expansion, under circumstances to which I shall presently refer.

No nice or exact computation of the company's requirements is necessary, in my opinion, to the disposition of the present application. For upwards of two years it has been aware of the urgent necessity for a suitable tariff. It has had knowledge of the obsolescence and inequalities of the present one. It has not seen fit, to put before the Poard, for approval, such a tariff as will suit conditions of its traffic to-day, and if, during the time in which it is engaged in the preparation of such, it is obliged to finance, as it has done for over 30 years, without coming to this Foard for means to meet its necessities, there will be less hardship and injustice thereby entailed than by seeking to impose by another percentage increase, or by a manifestly unsuitable and unequal tariff, an additional burden on its subscribers. It has large reserves, its plant should be 80 to 90 per cent efficient, as its replacement reserves are in excess in percentage of what according to high authority is considered safe.

Reference to the company's history and progress will show that there is

neither emergency, nor crisis, in the company's position.

Up to the year 1902 this company could not increase its tolls. Whatever developments it made of its business-whatever its financial requirements were to meet the expansion and extension of business-to provide increased plant, and generally to provide for a growing business, extending over a wide field. the company had to provide for, irrespective of, and without recourse to rate increases. Although since 1902 it had the power, subject to control, to increase its rates, and since 1906 has been subject to the Railway Act, no application for general increase in rates was made by the company until August 1918, and that application was based upon emergency conditions caused by the war. Notwithstanding this fact, and all through the period of development of the telephone utility by the company, when its practical use was not generally known or accepted, and when the credit of the company was not so great, and its activities in many ways were circumscribed by active competition, the company shews that very great growth, expansion and development took place without taxing its subscribers by increase of tolls. The statement (Exhibit 15), filed by the company is interesting as illustrative of what was accomplished without increase of rates:-

Date	End of Year  Subscribers' Stations	Capital Stock Issued	Total Assets (excluding Cash and Receivables)	Net Earnings	% Net Earning to Total Assets
		\$	\$	\$	%
1880 1855 1890 1895 1900 1905 1910 1915 1916 1917 1918 1919 1919 1920	20,437 30,908 40,094	377,600 1,200,000 1,494,000 3,168,000 5,000,000 8,604,840 12,500,000 18,000,000 18,000,000 18,000,000 22,336,300 22,657,000	373, 333 1, 527, 503 2, 822, 581 4, 765, 644 7, 498, 762 14, 062, 605 22, 541, 382 39, 789, 807 42, 312, 159 46, 022, 325 49, 682, 311 55, 252, 935 62, 050, 089	*11,053 166,332 179,855 326,660 436,680 1,004,898 1,729,576 2,221,985 2,469,243 2,534,071 2,104,688 2,153,324 881,523	2.9 10.8 6.3 6.8 5.8 7.1 7.6 5.6 5.8 5.5 4.2 3.9

<sup>\*</sup> Net earnings are before providing for interest charges which amounted to \$913,483 in 1920.

In view of the insistent contention, pressed upon the Board in each one of the three applications, dealt with by the Board in the last three years, that the extensions of the company's business necessarily involved increased tolls, the above statement furnishes, I think, conclusive evidence of the fact that (a) during the years 1880 to 1900—when it had no power to increase rates—it financed successfully over 38,000 extensions; (b) from 1900 to 1905 (the period in which the Act of 1902 came into force) it financed over 42,000 extensions, and (c) from 1905 to 1917 over 206.910 extensions, or an average of 16.825 extensions per annum, without taxing the public therefor by general rate increase. And, during that period, as the statement shews, it stabilized its credit in the financial world by prudent and economic management, and increased its assets from \$373,222 to \$46.022,325. The application in 1918 for increase was made, dealt with and granted as a temporary and emergency measure pure and simple, due to sharp increases in cost of labour, materials and money, and the added difficulty of financing in a much disturbed money market. The same conditions justified as a temporary emergency measure the relief granted upon the application of 1919. The conditions imposed by this Board in granting both those emergency increases (1919 and 1921) clearly shew that it never was in contemplation that what was permitted as a temporary and emergency measure, in each case, should become crystallized into fixed rates, as it now seems the company would regard those applications by now filing a tariff for this Board's approval, based upon the rates as twice increased for the temporary emergency reasons mentioned, and with proposed substantial increases thereto.

It is of importance to note in connection with the financial history and large expansion of the company's business, as above referred to, the argument of counsel for the company to the effect that as extensions of the company's business take place and new money is required to meet and provide for those extensions, there must, of necessity, be an increase in the tolls to finance and maintain that expansion. I quote from the argument—Vol. 380, p. 18512 et

seg:-

"That is a physical condition which must be met. I do not know how it can be suggested, I have never heard it suggested, that that physical condition can be overcome without an increasing cost per subscriber served. That is a very rough statement, the more you go into it in detail the more it is confirmed, and the larger the figures apparently become, but I say that is a rough statement to demonstrate the condition and the reason for the fact that as the number of subscribers served increases so the cost goes up, not once or twice but many times the cost of serving the original subscribers."

"Commissioner Boyce: It must necessarily follow then that as the system is extended an increase in the charge to the original subscribers

must necessarily follow.

"Mr. OSLER: I suppose so.

"Commissioner Boyce: Well that is the effect of your argument, the capital investment for extension must always be laid upon the present subscribers, they must pay the carrying charges of that investment"

"Mr. OSLER: Absolutely; the legislation to which I have referred is a statutory requirement, and that is why I referred specifically to the legislation, it does not merely require us to give service to those of the public whom we wish to serve, or the public in any particular area, but it requires us to serve any resident of this country who, being in an area in general served by the telephone company, desires that service.

"Commissioner Boyce: And another logical result of that argument must necessarily be that telephone rates can never come down, they must

always go up.

"Mr. Osler: I think that probably is a result; I do not wish to raise this question, but unless you reach a point where the service is paid for as and when taken; that is a measured service, the message rate."

The fact—combating above argument—apparent from the history of the company's development as before set out, Counsel endeavours to explain in the following language-Vol. 380 p. 18513:-

"Commissioner Boyce: Well irrespective of the figures, in the long space of time from 1880 until the first application for an increase of rates that was the condition of things, you were extending and extending at an enormous rate without an increase of charges.

"Mr. Osler: There were several things that contributed to that, one being the progress of the art, that had some effect. Another thing was our business had been soundly managed, and our credit was of the very best, we were able to finance very cheaply. Another thing, the business did not expand anything like as rapidly in the earlier years as it has recently."

The explanation just quoted is answered by a glance at the table of figures quoted above and furnished by the company. From 1910 to 1915 subscribers stations increased from 138,370 to 242,784, an average of 20,882 per year. From 1915 to 1917 they increased from 242,784 to 284,261—an average of 13,825 per year. In 1917-18 there is shewn an increase of 18,944 stations, and the first emergency application was based upon the operations of those years. argument that on account of sound management and good credit the company was able to finance cheaply in the earlier days of the expansion of the business, is hardly a convincing one. I did not hear it suggested that in the later years the management of the company's business was not equally sound, nor that its credit was impaired. One would more naturally conclude that sound management and good credit during earlier years would, with the enormous expansion shewn, be productive of better stability in the company's financial position, and, save for the emergent conditions to meet which relief has been twice afforded, ought to be enhanced rather than depreciated by such expansion, if the good qualities referred to have continued, as it is not denied.

If Mr. Osler's arguments that rates must necessarily increase as extensions of the company's business become necessary were now to be adopted, this Board's functions as to approving proposed increases in telephone tolls would be purely mechanical, and the fact that the company's counsel contends for such a principle, when asking for rate increases, gives, in my opinion, at least some added force to the conclusion that no further increases in tolls should be approved, upon the basis of extensions needed, except such as would be involved in a new schedule suitable to traffic as it is to-day, and in other respects just and reasonable, having regard to the value of telephone service and the recognized factors of rate making, and free from the inequalities, discriminations and inconsistencies which characterize the proposed schedule, and all of which must be

removed as soon as possible.

I would, therefore, dispose of the reasons alleged in support of the applica-

ion, as stated in the application, by the following findings:-

1. That the company's estimate of \$1,357,500 as its additional requirements. s erroneous and excessive. That the maximum amount required to implement he requisite revenue, to meet all the company's requirements, was \$600,393. and that, in my opinion, had economies effecting in five months, decreases of 263,691.98 in operating expenses, been earlier introduced, as was possible, the equirements would, substantially, have been met.

2. (a) That it does not appear that the company made extensive, thorough and adequate effort in the direction of obtaining new money required to finance its requirements. That in so far as the net earnings, at that time, fell short of requirements, they could have been substantially implemented by more speedily inaugurating the economics in operating costs subsequently enforced, as suggested by the financial brokers to whom the company made application for such new money. That with the increased operating revenue, and decreased operating expenses, shewn in the company's statements, and with the substantial and adequate reserves it had accumulated, and with the economics subsequently demonstrated as possible, the company's credit was, and is ample, for the purposes of financing temporary financial requirements, to cover extensions and new business, and—

(b) There was, for the reasons shewn, and upon the facts, no justification for the abandonment of the effort to obtain the new money required, nor for the application to this Board, at this time, upon the basis of a tariff quite out of line with the company's traffic, and unsuitable thereto, for permission to tax its present subscribers for the money required to finance the cost of such

extensions of its business.

3. In addition to above reasons, in so far as they are applicable to the third reason stated in the application, and as regards the financing of the requisite money to provide for the alleged pending 16,000 applications for telephones, no evidence has been given, and no reasons given to justify the conclusion that this Board must increase rates of present subscribers to enable the company to provide money necessary for expansions of business, and in the absence of the acceptance of such a principle (which has not been asserted during 37 years of enormous expansion) no ground for relief, on this account is shewn.

4. Covered by conclusions 1, 2, and 3, and

There being no evidence to justify the tariff of rates, now offered for approval, but on the contrary, such tariff being, admittedly out of line, discriminatory and objectionable for the several reasons shewn, approval of the tariff submitted must be refused.

The functions of the Board do not extend to initiating tariffs, and, if they did, there is no evidence data, or material, before the Board, upon which a

suitable tariff could be constructed.

No emergency condition exists, and no grounds are shewn which would justify any temporary or emergency increase in rates.

The application must be refused.

Order will go accordingly.

#### THE CHIEF COMMISSIONER:

By a judgment of this Board, dated the 1st day of April, 1921, written by the Assistant Chief Commissioner and concurred in by Commissioners Boyce and Nantel, a certain increase was given in the rates and tolls to be charged by the Bell Telephone Company, which, in their judgment, after careful consideration, should have placed the company in a position to pay operation and maintenance charges, 4 per cent reserve for depreciation, an 8 per cent dividend, and 2 per cent surplus. An Order was issued thereon, effective the 1st day of May last. On the 23rd day of July, the company came back to the Board, stating that the result of the operation under the Order would not furnish sufficient funds to provide for the requirements therein set forth, and asked that a further increase be granted, not a percentage increase, but that the Board authorize a certain scale of rates set forth in the application, which,

they contended, would produce the necessary funds, remove certain discriminations, and piace the general tariff on a more equitable basis than existed at

the present time.

The Board has on many occasions laid down the principle that, as a public utility corporation can only charge the tolls or rates which the Board allows them to do, we, therefore, should give them sufficient rates to produce certain results, always assuming that the utility is efficiently and economically operated, and the principle, so far as the Bell Telephone Company is concerned, was enunciated by the judgment hereinbefore referred to.

If the company has been and is now being efficiently and economically operated, and there is no evidence to the contrary, then the questions to be decided are (1) Will the company receive sufficient money under the rates now granted them to produce the financial results hereinbefore referred to? and (2) If not, then how much is required to make up the deficiency and how

should it be provided?

Various computations were made by the company and counsel representing the city of Toronto as to the result of a year's operation under the existing tariff, and, in view of the decision of the majority of the Board, it is unnecessary that I should go into any lengthy discussion of the precise method by which the actual year's results may be ascertained; but we now have the monthly statements from May to December, both inclusive, giving us the result of eight months' operation under the present tariff, and I find from the computation worked out by the Assistant Chief Commissioner that, by projecting the result for eight months to a twelve month period, the company will be \$600,000 short of the requirements as set forth in the judgment. If we take the last seven months, the deficit will be about \$513 000; the last six months, a deficit of \$779,000, the last three months, a deficit of \$1,006,000; and the last two months, a deficit of \$500,000.

These results have all been obtained by excluding the Federal Income Tax as an operating expense. Considerable argument has taken place, but, as the Board had formerly decided that this item should not be considered an expense, I make no further reference thereto but, in my calculations, have excluded it.

It, therefore, seems to me that I am safe in concluding that the company at the end of twelve months under the present tariff will be at least \$600,000 short of the amount required under the principles laid down in the former

The company claim that they have applications for more than 19,000 phones in the provinces of Quebec and Ontario which they are unable to fill on account of lack of the necessary funds, and stated that, in the month of May last, they attempted to raise \$5,700,000 by the disposal of common stock, all of which was offered to their shareholders at par. About 67 per cent was taken up, one-half of this amount by the American Telegraph and Telephone Company, and they have been unable since that date to dispose of any large quantity, thus leaving something over \$2,000,000 still undisposed of, and they contend that, unless the revenues are such that the investor has a reasonable guarantee of the payment of dividends, they will be unable to raise any large amount of money by this method.

It was stated at the hearing that a certain amount could have been raised on 7 per cent bonds payable in 1925, and considerable criticism has been launched against the company for failing to adopt that method of raising the necessary funds. In my opinion, the company is the proper judge as to the method of financing to be adopted. It is always contended that there should be some relationship between the amount of bonds and stock outstanding in any such utility. As all the existing bond issue of the Bell Telephone Company matures in 1925, it is, therefore, quite evident that bonds could not be issued for a longer period, and the company contends it would be an improper method of financing to attempt to float short term bonds only to increase the amount which they must provide three years hence, whereas, if they could sell stock, there is no repayment period and it is simply a question of payment of dividends.

While not deciding which is the proper method, I think things of this kind can be well left to the people who have put their own money into the venture and who know more about it than those who have not had that experience. It is very clearly evident that the investing public will not subscribe to the common stock of any company unless they see a reasonable prospect of dividends being earned continuously, and, therefore, when the net income of a utility such as the Bell Telephone Company falls below the requirements set forth by this Board less than a year ago, I am not surprised that their stock issue has been

a partial failure.

While this Board has no control over the wages paid by any company to its employees, yet I think we not only are justified but are practically compelled to take these matters into consideration in deciding whether or not in our judgment the company is economically managed, and, tl erefore, when the Bell Telephone Company applied to the Board in July last, my first act was to demand from them a complete statement of the number of their employees, the services rendered, and the wages paid to each. This I have examined very closely-in fact, it was only on the general assumption that these wages were reasonable that I consented to bearing the application. At the bearing, on a number of occasions I specifically asked the counsel representing the province of Ontario, the city of Toronto, the city of Montreal, the Board of Trade of the city of Toronto, the city of Hamilton, the city of Ottawa, and all other counsel engaged in the case to state whether or not in their judgment the wages were ligher than they should have been and wherein, if at all, they could be reduced. With the exception of Mr. Bullen, counsel for the Board of Trade of Toronto, they were all practically silent, excepting the representative of the Attorney General of Ontario, who thought there could be some reduction made in the salaries of the The counsel for the city of Ottawa thought the amounts paid the higher officials were entirely reasonable and there should be no reduction therein, and had very little fault to find with the general scale of wages. remainder refused to express any opinion whatever, and this after being repeatedly invited to do so, as I stated to them very plainly the object which

Not receiving any assistance from the counsel other than as above indicated. I am, therefore, compelled to exercise my own judgment, and, in doing so, with a few exceptions, I am unable to see where under present conditions any important reductions can be made. If we take the Executive Department for the year 1921, we find the total salaries paid amounted to \$142,992, and, if for the same period we take the Executive, Accounting, Financial, and Legal Departments altogether, we find the total amount is \$330,000. Therefore, if very generous reductions were made in these salaries, it would play a very

small part in making up the deficit hereinbefore referred to.

As to the other employees, by far the greater amount, in fact around \$6,000,000 annually, consists of the wages of telephone operators, mostly female, and the total cost of operation, outside of maintenance, amounts to \$9,545,000. The total cost of maintenance, including material as well as labour, amounts to \$3,665,000, and while not wishing to lay down any positive instructions, yet, in my opinion, there could be some saving in a number of the employees in this particular branch of the work; but, if there is to be any serious reduction in the cost of operating the plant, it must come out of the employees who are

actually operating it, and I do not think the wages which they are receiving, especially the thousands of girls and women employed as operators, are such that they should be called upon to make further sacrifices under present living conditions.

It was stated by the company that, beginning in the month of August, they commenced to retrench (1) by refusing further increases in salary to their operators and staff generally, who usually reached the maximum in four years, on the ground that economies must be practised and, as practically all their old employees were remaining with the company, they found a much higher percentage of these employees than usual enjoying the third and fourth year salaries; and, (2) by discharging every person possible and still maintaining the efficiency of the plant, the result being that, within three months, 500 employees were laid off, and it was stated by Mr. Scott that he believed they had reached the limit, even intimating that they might be compelled to somewhat increase the staff in the near future.

It was argued and has been stated that the deficit above referred to will be made up by the reductions already referred to. My answer to that, however, is that, during the months of October, November, and December, all of these economies have been in operation and yet I find they fell behind for these three months an amount which extended for one year would amount to \$1,000,000, and, for the months of November and December, under the same conditions and extensions, the deficit amounts to \$500,000. It seems to me this pretty

effectually answers that contention.

If, therefore, the net revenue for the year should be at least \$600,000 more than it will be under present conditions and as required by the former judgment of the Board, this amount can only be produced by reducing the wages of the operators and other employees as hereinbefore set forth or by increasing the rates sufficiently to produce that amount of money, which would be a little less than 5 per cent of the exchange revenue. I prefer the latter course, and think an order should issue increasing the rates sufficiently to produce an additional

\$600,000 per year.

In view of the decision of the majority of the Board, it is unnecessary to enter into any statement as to how I would raise this particular amount of money, excepting to state that there are a number of places in the territory covered by the Bell Telephone Company in which the rates are abnormally low, based upon any well recognized standard of telephone rate making, and I think these should be brought up somewhere near to the position which they should occupy. In other words, I would readjust the rates rather than give a percentage increase, and, if the rates as set forth in the application did not meet my views as to what would be proper under all the circumstances, it would be a very easy matter to change them, because, this Board has absolute power to fix and authorize any rates which to it may seem reasonable. I would, therefore, think an order should issue granting an increase to produce \$600,000 per year.

# McLean, Assistant Chief Commissioner:

The matter of telephone tolls charged by the Bell Telephone Company of Canada has already involved two hearings and two decisions. In each of the former hearings, the application has been dealt with as an emergency matter. In order to appreciate the setting of the present application and its relation to the former applications, a summary analysis of the conclusions arrived at in the former decisions seems essential.

In the present application, the company sets out that the rates authorized do not produce sufficient revenue to meet its dividend requirements and, therefore,

do not carry out the intent of the judgment and order rendered by the Board on April 1, 1921. It is, in addition, set out that because of this condition it is impossible to obtain the additional money necessary to finance essential additions to facilities; and, as pointed out in the reasons for judgment of Commissioner Boyce, reference is made to the large number of applications for service which the company alleges it is unable to meet because of lack of equipment and lack of money necessary to obtain such equipment.

It does not appear to be necessary to enter into the alleged consequences of the revenues obtained by the company being deficient as measured by the standards which the Board has set out in its judgments. It is apparent that if the company is unable, under existing rates, with prudent management, to meet the charges which the Board has found reasonable, it follows that there is no surplus of revenue which would be, so to speak, an insurance fund in connection with the issuance of new bonds and stocks. Without labouring the point, it is obvious that additional issues of stocks and bonds will not be acceptable to the investor, simply because there are assets in the plant. He is concerned with live funds furnishing the revenue out of which dividends or interest will be paid. The attitude of mind of the investor has to be taken as it is; and if he does not find such surplus of revenue over and above meeting necessary and proper charges of the company, under prudent management, it follows that he will be unwilling to invest. But, as already indicated, it does not appear necessary to go into this phase of the mater in any great detail because the whole matter, to my mind, goes back to what the Board has decided in the former cases, and the pertinency of the findings there made in connection with the present case. the findings there made have by efflux of time lost their virtue, then they have no bearing on the present case and it is to be treated as a substantive application. If, however, the principles laid down in the former cases, in whole or in part, apply, weight must be given to them. The increases made were dependent upon certain conditions; and the question has to be faced, do the conditional arrangements still exist?

In the judgment rendered on April 1, 1921, the dividend rate was not treated as an emergency rate, nor was it so regarded by the expert witnesses appearing in support of those who opposed the application of the Bell Telephone Company. As stated in the judgment. "Exception to the rate of 8 per cent as being reasonable was not taken by the experts called on behalf of those opposing the application; on the contrary the evidence was that this was a reasonable rate."

In the cross-examination by Mr. Phippen of Mr. McKenzie, who appeared as the finacial expert supporting the criticisms of the proposed increase as voiced by the City of Toronto, discussion took place as to the rate of dividend. Vol. 352. pp. 1152, 1153, in response to a question by Mr. Phippen, Mr. McKenzie said that the company had been very well managed and its properties and its credit well conserved. He was of the opinion that it had been reasonable in the distribution of its profits. He considered the 8 per cent dividend a reasonable one, and was of opinion that the company in paying 8 per cent on its common stock, and in putting all the balance of its profits back into the property, was conducting its business on sound business principles. In anwer to a question as to whether the Board in dealing with rates should compel the Bell Telephone Company to lessen its established dividend of 8 per cent on common stock, Mr. McKenzie answered "No," and stated he understood this was not the policy of the Board. Mr. McKenzie was in misapprehension here since no declaration of policy on the rate of dividend of the Bell Telephone Company had been made by the Board. On being asked his personal view, he said he would not suggest and did not think there was any necessity for a reduction in the dividend. He said, further, that he did consider the dividend a reasonable one.

At p. 1155, in cross-examination by Mr. Phippen, the witness stated that he was assuming in connection with the remarks he made that the 8 per cent

dividend was continuing.

Mr. Hagenah, who appeared for the City of Montreal, was cross-examined by Mr. Osler. The discussion which took place will be found in evidence, volume 351. At p. 873, in a question as to the governing rate of return in the case of the United States Commissions, it was stated by Mr. Hagenah that 71/2 to 8 per cent on the fair value of the property was common. At pp. 962 and 963, the same witness, in cross-examination, was asked various questions by Mr. Osler. In answer to the following question,-

"And the rate of 8 per cent, or I think you put it 7 to 8 per cent, which was considered a reasonable and proper rate some years ago, bore a certain relation to the investing returns on securities such as mortgage bonds of good industrial corporations, and mortgage bonds of railway corporations ".

the witness answered "Yes."

On the evidence, the dividend rate of 8 per cent was admitted to be a reasonable one. Such admission having been made by the qualified experts of parties opposing the application was accepted in the Board's judgment as being a matter on which it was not necessary to make a specific ruling. It being a matter of agreement, the Board's computations as to what was necessary in connection with the dividend was based upon the 8 per cent rate as one factor.

The dividend rate of 8 per cent was not developed as being an emergency It was admitted to be a reasonable and proper rate, taking all things

into consideration. It is, therefore, a continuing factor.

In the Board's judgment of April 1, 1921, explanation has been given why Income Tax was not treated as a proper operating cost, but as something which should be charged to surplus of operation by the owners of the property and should not be borne by the subscribers to the service. This follows what was set down in the earlier decisions in the Telephone Rate matter as set out at 25 Can. Ry. Cas. p. 12.

There remain to be considered two factors which have been given emergency treatment and in connection with which the burden was subdivided between the company and the telephone user. These two factors are surplus and

depreciation.

In the judgment of April 1, 1921, the company had included in its figures a factor for surplus amounting to 4 per cent on the common stock, and reference was made to the evidence in the Western Rates Case by Mr. Mueller who appeared as expert for the Dominion Government, and who testified that a

surplus equal to 50 per cent of the dividend rate was proper.

The Board was of opinion that some surplus was necessary. The necessity for surplus was succinctly stated in Mr. Hagenah's evidence when he said it would be poor business and a bad course for the company to adopt an advertisement to the public that it was paying in dividends every cent it was earning over and above fixed charges. It is true that the financial expert for the city of Toronto objected to the inclusion of any item for surplus. The Board decided. however, that an item for surplus was necessary; and the Board, therefore, has no choice but to stand by its conclusion which was arrived at after careful consideration.

Mr. Hagenah recognized, under normal conditions, that 4 per cent surplus on stock was desirable; but as a temporary condition, to be dealt with by way of temporary relief, the figure so arrived at was cut in two, thus leaving a surplus

of 2 per cent.

In the decision of April, 1919, the Board decided not to adopt the depreciation ratio of the company but as an emergency measure to put in a depreciation ratio of 5.7 per cent, which was computed would mean a reduction of some \$330.000 in the amount chargeable to depreciation.

The question was further gone into in the decision of 1921; and, after careful consideration, a further temporary revision of the depreciation ratio was directed. Mr. Hagenah was of the opinion that the 5.7 per cent which had been put in force as an emergency ratio in 1919 was something which was substantially a

minimum.

The Board, recognizing that on account of the nature of the functions with which the depreciation reserve is concerned it is unsafe to take the payments out in a single year, as a measure of which is normally necessary and proper in a period of years, decided that in aid of the emergency condition which was found to exist there could be borrowing from the depreciation fund for a limited time; that is to say, the annual contribution to said fund may be lessened; and the Board decided for a limited time, that the rate of 4 per cent on the average depreciable plant, which was computed as being approximately 3-64 per cent on the total plant, should be applied.

As emphasizing the emergency nature of the depreciation ratio, reference analy be made to the decision rendered by the Board in July, 1921, in connection with the application of the British Columbia Telephone Company for an order granting an increase in exchange rentals and charges for service. In the judgment, a depreciation ratio of 6.04 per cent was allowed. In the evidence in this case, Samuel H. Meldrum, who was called as an expert, testified as to the

rate of 6.2 per cent being a reasonable and proper rate.

The American Telegraph and Telephone Company during the year 1920 had a depreciation ratio of 5-3 per cent. This was referred to in the British Columbia Telephone Case. The figures on which this ratio was built up are not before me, but my understanding is that one important factor is the large amount of underground work which has been done, thereby lengthening the life and lessen-

ing the annual contribution.

In the application of the city of Toronto to the Privy Council against the increase of rates in the decision of April 1, 1921, which appeal was heard before the Privy Council on June 14, 1921, and referred back to the Board, exception was taken by counsel for the city of Toronto to the provision made in said judgment for the depreciation ratio, and the contention was made in the following language: "All I say is that there should be only allowed to be taken by the company for depreciation in any year, for the next year or two until the case can come under review, the million dollars actually required for replacement".

In the decisions, therefore, there are two sets of factors: (1) The dividend rate and the question who is to bear the burden of the income tax. These have been treated as not being concerned with an emergency situation and the findings made are not limited in time. (2) The surplus and depreciation. These both have been treated as being related to emergency conditions and limited in time.

It is contended that there is not an emergency situation before the Board. With this position, I am unable to agree. The measure of relief which was granted on April 1, 1921, was, in my belief, justified because of emergency conditions. Reference has been made in the Reasons for Judgment of the majority to the discrepancies and discriminat on which exist in the existing schedules, and which, it is pointed out have been aggravated by percentage increases.

I am, and have been from the outset, thoroughly cognizant of what the discriminations and disparities in the existing rate system are; but, for reasons set out at length in the judgments of mine, already referred to, I have been of

the opinion that the Board had to deal with the matter from the standpoint of emergency, and I cannot see that the emergency condition which led to the decision of the Board in April, 1921, has passed.

In arriving at the rates as therein computed, the Board endeavoured to forecast as far as possible the downward movement in costs, both in labour and material, which were taking place. The question of downward movement of

costs requires some consideration later.

But as bearing on the condition of emergency, it is to be noted that the Board in retaining the conduct of the case still calls for returns based on the surplus being limited and also on the depreciation ratio being limited. The Board has expressed the opinion that the limitation of the surplus is justifiable under emergency conditions. The following language was used in the decision of April 1, 1921:-

"Differences do appear in the opinions of the experts; at the same time. I think the conclusion is unescapable that some surplus is necessary. Under the existing conditions, however, whatever might be a justifiable ratio for surplus under normal conditions, I do not think the same line of argument is controlling here."

The depreciation ratio is fixed on an emergency basis.

The monthly figures which measure the condition of the Bell Telephone Company have as two essential factors the elements of surplus and depreciation based on an emergency condition. So long as these factors are limited, as they are, by the Board's action, and so long as the Board does not declare them to be factors based on normal conditions, instead of emergency ones, I do not see how the existing situation can be regarded other than as an emergency one.

The question of economies in connection with the operation of the company is raised, it being alleged that there are economies available which will offset any disadvantageous position in which the company may find itself. In dealing with the condition of a company subject to the Board's jurisdiction and seeking increase in rates, it goes without saying that the Board should be satisfied before allowing any increase that the management is a reasonable and prudent one.

In the evidence given in connection with the case which was decided April 1, 1921, Mr. Guilfoyle, in answer to a question of Mr. Phippen, said that the company appeared, to the best of his knowledge, to be well and economically managed throughout, and that so far as one could judge from the books had been honestly managed (Evid. vol. 352, pp. 1067-68).

Mr. Hagenah, in examination by Mr. Osler, was asked this question (Evid.

vol. 351, p. 872):-

"Now, I think you will agree that this company has been conservatively managed, and well managed?

### He answered:-

"I am satisfied it has been. I think the company is to be complimented in the manner in which its business is effected. I speak of that very favourably for the company."

Mr. MacKenzie, at Evid. Vol. 352, p. 1153, in answer to a question of Mr. Phippen, stated that the Bell Telephone properties had been well conserved, and the credit of the company well conserved. In answer to the specific question. "The Bell Telephone Company has been a well managed company?" he answered, "I would say, very well managed." 33-5

This information refers to conditions in 1921. Have there been any such changes in conditions of management as would justify the conclusion that there

was not prudent and reasonable management?

In the discussion, attention was directed to the question of wage costs and possible economies in connection therewith, either by way of reducing the number of employees or by reducing the wages of those employed. Without going into the matter in detail, since this has already been developed in the other two judgments, one very important factor in connection with the pressure of increased costs upon the telephone company has been the increase in wages. In the material presented before the Board, there were suggestions that economies in this respect could be made. It seems to me that the main line of attack in regard to the economies which it is contended can be made is in connection with the wage bill. Evidence was put in before the Board on behalf of the company showing decreases in costs which had been operative since September. It was contended by the official of the company responsible that further economies in connection with the reduction of the operating staff were not feasible, as they would mean putting an unduly heavy burden upon the girls operating in the telephone exchanges. While there have been considerable increases in the wages paid in the telephone business, the increase has been gradual; and there is to my mind no such evidence before the Board as would justify it in concluding that the scale of wages paid was in such a degree excessive as to materially affect the decision of the Board as to rates.

What was said about wages was, on the whole, extremely generally. On careful consideration of the body of evidence submitted, I am not of opinion that there has been such improvident management as would justify the Board in concluding that the returns in accordance with the findings laid down in the

Board's judgment should not be allowed.

The question now has to be considered—what is the situation of the company under the rates which it is allowed to charge, with the limitation attaching thereto, in respect of the factors already defined; and the further question, to what extent the existing situation is in conflict with the findings of the Board as to the factors of return which are reasonable.

As pointed out in the Reasons for Judgment of Commissioner Boyce, the returns for the eight-months period, projected for 12 months on the same basis, show, after deduction of interest, dividend, surplus, etc., in round numbers, \$600,000 of a deficit. While the summary as given does not refer to depreciation, the depreciation modified and limited, as pointed out, is a factor in this.

It is pointed out in the same Reasons for Judgment that the economies began to be effective about September. If the figures for September to December, inclusive, are taken and similar deductions made as in connection with the eight-months' period, a year projected on this period in which the economies

referred to are operative would show, a deficit of \$589,486.

As bearing upon the emergency condition, figures in regard to surplus and depreciation may also be accepted for the same period. I take this period to form a projected year because it shows the portion in which the economies emphasized have been operative. In the projected year as set out, the revenues as computed fall \$102.380 short of meeting interest and dividends. The item of surplus at 2 per cent is \$487.106. These two sets of figures make up the total as given. If the surplus were computed as of normal times, say, on 4 per cent on the stock, this would add another item of \$487.106. The depreciation for the months September to December amounts to \$775,259, which extended on a year's basis would amount to \$2,325,777.

The rate of depreciation during the months September to December is averaged at 3.8. This, in fact, is the rate from June to December. As pointed

out in the decision of 1919, 5.7 was taken as the emergency rate; and it was subsequently testified by Mr. Hagenah that this amount, under normal conditions, was essential as a minimum, and the proposition for a further reduction in the depreciation ratio was simply as a matter of temporary need. If, instead of the present emergency ratio averaging 3.8 on average plant in service, the emergency ratio of 5.7 taken in the first instance in 1919 were applied, this would mean an addition of 50 per cent to the depreciation ratio; that is, the total would equal \$3,488,665. Putting it in a summary way, if it were admitted that surplus should be charged as a normal charge at the rate of 4 per cent on stock, and if a rate of 5.7 were taken as a normal ratio, then these two items would amount to \$1,649,994; or, omitting the item of surplus, the added depreciation would amount to \$1.162,888.

I do not say that these factors should be included as measuring the present need of the company, because I consider the present need of the company still to be an emergency one and measured as to the emergency situation by the limitation in surplus and the limitation in the depreciation ratio; but if it is contended that the emergency situation has passed, then, as a minimum, it would seem to me that the depreciation ratio of 5.7 should be applicable, with the result as to addi-

tional need of revenue which is shown.

But, as I have already pointed out, I deal with the matter entirely from the standpoint of an emergency in relation to the principles laid down in the Board's Judgments; and I find that if a projected year, based on the 8-months period is taken, that the company falls some \$600,000 short of the revenue which would accrue on the basis of the factors accepted by the Board, or if the four-months' period from September to December is taken for the reasons already mentioned, it would fall some \$589,000 short of the revenue which would accrue on the basis of the factors accepted by the Board.

In view of the finding of the majority, I will not deem it necessary to express any opinion as to the form or basis of the proposed tariff revision filed

by the company in this application.

APPLICATION OF CANADIAN NATIONAL MILLERS' ASSOCIATION FOR REDUCTION IN EXPORT RATES ON GRAIN PRODUCTS, AND APPLICATION OF DOMINION MILLERS' ASSOCIATION re FLOUR ARBITRARIES OVER WHEAT FOR EXPORT.

Judgment of Assistant Chief Commissioner, March 6, 1922, concurred in by the Chief Commissioner, Deputy Chief Commissioner and Commissioners Rutherford and Lawrence.

Since the hearing additional written submissions have been made by counsel for the Canadian Pacific Railway Company and for the Canadian National Millers' Association, the latter having been received on March 1.

At the hearing, Exhibit No. 1 was filed by counsel for the Canadian National Millers' Association. This sets out in summary form the Canadian Pacific rates from Goderich, Ont. (ex-lake) to Montreal for export on wheat and flour. This summary covered the period from January 1, 1917, to January 1, 1922. It also

set out the rates to St. John, N.B.

Attention is drawn to the fact that while on January 1, 1917, the spread between wheat and flour at Montreal, for export, was 1.67 cents per 100 pounds, and at St. John 1.84 cents, on January 1, 1922, the respective spreads were 7.66 ents and 7.83 cents per 100 pounds. The course of the tabular summary of spreads is interesting. Some twenty-three tariff references are given. In the ase of Montreal, for export, the average spread on these rates was 3.04 cents. In important factor affecting this average spread is the spread of 10.16 cents inder the tariff effective August 9, 1921. It may be noted, further, that fifteen

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of the spreads cited fall below the average of 3.04 cents. These fifteen have an average spread of 1.40 cents.

Since April, 1921, the course of the spreads has been upward. In the period prior to this covered by the Exhibit, the course has been, with fluctuations,

irregularly upward.

In the case of St. John, for export, the average spread, on the figures given, is 3.69 cents. Here, again, the spread of August 9, 1921, viz., 10.33 cents, is an

important factor tending to make the average non-characteristic.

Fourteen of the spreads fall below the average of 3.69. The average of these fourteen is 1.89 cents.

Similar irregularities in the advances in the spreads may be found here as in the case of the figures concerned with Montreal. Without, at this juncture dealing with the factors controlling these rates, the irregularities in the figures themselves, as measured in rates and rate differences, would seem to point to the two sets of rates not being subject to identical controlling factors.

Before the date of hearing, the Secretary of the Dominion Millers' Association intervened. His intervention was concerned with the question of the difference between the wheat and flour rates, for export, from mills in Ontario and Quebec to West St. John as compared with the difference between the flour and

wheat rate from Fort William to West St. John, for export.

A rate of  $35\frac{1}{2}$  cents on grain from Fort William to West St. John, effective January 1, 1922, was quoted as against a flour rate of  $36\frac{1}{2}$  cents; and the rate on wheat shipped from Fort William, milled at Montreal, and the flour shipped to West St. John, for export, is quoted, at  $37\frac{1}{2}$  cents per 100 pounds, being 1 cent per 100 pounds, or the stop-over charge, more than on flour shipped from Fort William.

It is also set out that the tariff in question quotes the rates from Goderich and Port McNicoll at 15:17 cents per 100 pounds, to West St. John, for export, while the rate on flour milled from the same wheat, shipped from the same points to West St. John, for export "is 23 cents per 100 pounds milled at Toronto and Montreal."

It is stated that allowing 1 cent per 100 pounds for stop-over charge, this makes a differential over wheat on flour milled from ex-lake grain of 6.83 cents per 100 pounds, against only 1 cent per 100 pounds on flour which the mills at Port Arthur and West have to pay; and request was made that the Board order that the reilways do not charge a greater differential over wheat on flour milled ex-lake than is charged on flour from wheat shipped from Port Arthur and milled at that point and west thereof.

Order of the Board No. 586, dated July 25, 1905, dealing with a complaint regarding rates on flour and other grain products, fixed the basis for export rates from Ontario points, which were held to be competitive with those from the United States by prescribing groups from which rates would be determined on percentages of the Chicago-New York rate, with special provision as to the export rate to Montreal. Goderich, Midland, etc., were placed in the 78 per cent

group and traffic originating at these points would be so based.

The rates on ex-lake grain and products milled therefrom have not, however, been established under the above Order but are subject to American competition, and comparison of the rates from Bay ports may reasonably be made with the rates in effect from Detroit, Mich., which is in approximately the same territory, or in the 78 per cent group.

The rate on flour from Bay ports (including milling of 1 cent) was, prior

to April 25, 1918, 14 cents per 100 pounds.

On June 25, 1918, the railways in the United States were allowed to increase their rates by 25 per cent and the rate from Detroit on flour ex-lake and on

flour milled from ex-lake grain to New York, for export, was on that date

increased to 17½ cents per 100 pounds.

On the same date, the Bay port rates were increased to  $16\frac{1}{2}$  cents and on August 26, 1918, to 171 cents to Montreal, so that on the latter date the rates were on a parity with those in effect from Detroit. This rate remained in effect from both Detroit and Bay ports until August 26, 1920, when the United States roads were permitted an advance of 40 per cent, the Detroit-New York export rate being advanced to 241 cents per 100 pounds.

On August 27, 1920, the next day, the rate from Bay ports to Montreal, for export, was raised to 201 cents, and the C.P.R. tariff C.R.C. No. E-3747, giving effect to this rate, shows as authority General Order No. 304. general order permitted the same advance in export rates from Canada as was

made from competitive territory in the United States.

The Canadian railways did not at the time take full advantage of General Order No. 304 permitting an advance of 40 per cent, but on October 23, 1920, by Supplement No. 24 to C.P.R. Tariff C.R.C. E-3747, the rate was raised to 24½ cents, the same as applicable from Detroit. This supplement showed as authority General Order No. 308, but this was certainly incorrect as General Order No. 308 covered domestic business.

On September 23, 1921, the rate on flour ex-lake and on flour milled from grain ex-lake, Detroit to New York, for export, was reduced to 191 cents per 100 pounds, by Supplement 29 to W. J. Kelly's Tariff C.R.C. 659, and on October 15, 1921, by W. J. Kelly's C.R.C. 742, the rate on wheat flour was

reduced to 181 cents.

This Detroit rate must have been considered competitive as the Bay port rate was the same from August 26, 1918, to August 27, 1920, and from October 23, 1920, to September 3, 1921. From the latter date, however, the Canadian

railways ignored the competition.

The matter of water competition as a factor bearing on the situation herein involved was before the Board at an early date, in the decision of the Board of February 29, 1908, in the complaint of the Ogilvie Flour Mills Company (file 5195, Case 1819). In the report of the Board's Chief Traffic Officer, which was adopted as the decision of the Board in the above case, attention was drawn to the fact that the highest rail rate obtainable from Georgian bay and Lake Huron ports to Montreal on wheat for export was fixed by the rate prevailing from Buffalo to New York for the time being, which in turn is regulated by the competition of the Erie canal.

Another factor affecting the wheat rate is the competition with the allwater lines to Montreal or to Buffalo. The flour milled from ex-lake wheat necessarily moves all rail and, therefore, is not subjected to the same com-

petition.

While, during the past year, on account of the somewhat abnormal conditions, there has been an increase in the Montreal movement, which represents tonnage taken away from the Buffalo movement, the general situation still remains that there is an important competitive factor by way of Buffalo. is recognized in the presentation of the case by counsel for the applicants. Reference was made (Evid. Vol. 383, p. 589) to the fact that there was a big movement of Canadian wheat from Buffalo. It was stated the United States Government allowed the wheat in in bond, with no duty out if it was going to be exported; and, further, that the United States Government allowed the same number of pounds to be exported if brought in in wheat. The result was stated to be that the Canadian wheat, which was ground into flour in the United States, supplies bran and shorts free of duty in the United States. The rate on flour from Buffalo, for export, was given at 16 cents; and it was stated

that the 16-cent rate had been tariffed to be good until January 1, 1922. Documentary evidence was submitted to show that the 16-cent rate in question had been extended to cover shipments up to and including June 22, 1922.

Following the statements which have been summarized, counsel for the

applicants said, at p. 590:-

"So that the result of that is that the very same wheat which our mills want to grind in Canada and send as flour to Europe is taken to Buffalo, ground there and sent back to the Atlantic seaboard in the United States at a 6-cent preference over the rate on Canadian flour."

The competition by way of Buffalo was again referred to by counsel for applicants at p. 593. In answer, however, to a question whether the competitive rate via Buffalo was the measure of the rate properly chargeable in Canada, counsel said, at pp. 593, 594, "No," and that the Canadian rate on wheat was the measure. At the same time, he said there was an existing condition giving the American miller an advantage of six cents over the Canadian miller in handling Canadian wheat at Buffalo.

The case as presented emphasizes the importance of the competitive route via Buffalo. Applicants ask that an Order be issued that when freight rates are advanced or reduced on grain the same rates should apply to the products thereof, to prevent discrimination which it is alleged at present exists. It does not seem to me that this is an arguable proposition unless the rate factors affecting

ing both commodities are substantially the same.

As bearing on the disadvantage which it is alleged the Canadian miller is subjected to, it is set out that the existing spread in rates facilitates the moving of Canadian wheat to England which there is ground into flour, with a resultant disadvantage to the Canadian miller desirous of shipping.

While it may as a matter of trade policy be advantageous to export the milled product in preference to the unmilled grain, the Board has to approach the matter not from the standpoint of trade policy but from the rate standpoint, and has to deal with the question whether the existing rate arrangement is discriminatory and, also, whether the rate attacked is unreasonable in itself.

There are, it seems to me, three questions involved:—

(1) Should the rate via Buffalo be taken as a measure of what the export rate to West St. John should be?

(2) Are there especial competitive conditions holding down the grain rate?

(3) If so, is the flour rate, for export via West St. John, as charged, unreasonable in itself?

Dealing, first, with the question of the rate via Buffalo, it has already been pointed out that counsel for the applicants stated that this rate was not taken by him as being the measure of what the rate should be in Canada (Evid. Vol. 383, pp. 593-594). If the rate by way of Buffalo is not to be taken as the measure of the reasonable rate chargeable in Canada, then the suggestion that the Canadian rate should be adjusted to meet this competition falls to the ground and need not be further dealt with.

The essence of the contention involved is put succinctly in the words of

General Labelle:-

"We are not asking for a reduction on that wheat because we know perfectly well that cannot be done. . . . We know they have made a rate on wheat because they have to meet certain conditions in competition with other railways, but we claim that whenever these conditions have to be met they should be met with flour in the same way. If in

order to get the wheat out of the country, in order to get it exported, they must accept a certain rate, then they should consider the flour has to meet the same rate, in order to meet the competition on the other side."

In other words, it is recognized that certain competitive conditions have to be met in the case of wheat. The witness, it seems to me, in contending that flour should be treated the same way is concerning himself with his business needs, and not with the question whether both commodities are subjected to the same competitive conditions.

I find that there are special competitive conditions operative in regard to wheat which are not applicable, on the present record, to flour, and that the spreads referred to do not show that there is an undue preference to wheat or

unjust discrimination against flour on the export movement concerned.

The significance of the flour rate of 16 cents from Buffalo is qualified by the statement of counsel for the applicants, as already set out. Mr. Lahey, in evidence, gave the wheat rate during last season as 15.17 cents as against the flour rate of 16 cents. On the New York Central mileage of 438, the ton-mile rate on flour is 7.3 mills. On the short line mileage of 396 miles, Buffalo to Hoboken, the ton-mile rate is 8.08 mills,

It is true that from Montreal to West St. John there is, as an outcome of the export basis applied, a difference of only one cent; and it might, therefore, be argued that the rate made up of two factors—one concerned with distance and the other with a blanket—cannot be measured in a ton-mile rate where distance is a necessary factor. However, in order to earn the rate the goods have to be hauled the total distance regardless of how the rate is built up; and I, therefore, think it is fair to make comparisons based on the total distance.

The average distance from Bay ports to West St. John is 894 miles. The existing grain rate is 15-17 cents. This gives a per-ton-mile rate to West St. John of 3.39 mills. The rate of 23 cents on flour to West St. John (as per Exhibit No. 1) includes a 1-cent stop-off charge. This rate of 23 cents gives a ton-mile rate of 5.14 mills. But the stop-off should be deducted to obtain the net rate on flour. Applying this to the average mileage as above, the result is 4.92 mills per ton per mile.

Mr. Lahey, of the Quaker Oats Company, who supported the application,

said:-

"I may say very frankly that I do not just see that any rate or system of rates that produces at least a rate that is no higher, or is of no greater yield than one-half cent a ton is high."

It is only fair, however, to say that he qualified this general statement in con-

nection with the question of discrimination.

The Board in considering the question of absorption of terminal charges in Montreal Produce Merchants' Association vs. G.T. and C.P. Rys., 9 Can. Ry. Cas., 232, recognized, at p. 237, the effect of absorption of terminal charges on net earnings of a railway company. It is proper to consider this factor in the present case.

While West St. John is the pivotal point of the present application, the

situation at Montreal may also be considered.

At Montreal, during the export season of navigation, the railway absorbs on flour a terminal of 4 cents per 100 pounds. This covers switching, wharfing. wharf warden's fees and the unloading at the dock. In the case of wheat, there is a terminal of 1 cent per bushel. This covers elevation and various charges by the Harbour Commissioners; of this, the rail carriers absorb six-tenths of 1 cent per bushel, the balance being absorbed by the water carriers. The arrangement, it is testified, is forced on the railway by the action of the water carriers. This means absorption of 1 cent per 100 pounds by the railway. In

addition, a switching charge of \$3 per car on wheat is absorbed. This figures out at three-tenths of 1 cent per 100 pounds. On present figures, the flour rate, less absorption and less the stop-off, gives a net rate of 17 cents, while in the case of wheat the net rate is 13.04 cents. The spread is 3.96 cents.

At West St. John, there is a terminal of 2½ cents per 100 pounds on flour while there is no absorption on wheat. This leaves earnings on flour of 20½ against a rate of 15.17 on wheat, or a spread of 5.33 cents per 100 pounds. Deducting, as before, the stop-off charge, the net result, after both deductions, is the figure of 19.5 cents. This gives ton-mile earnings of 4.36 mills.

It was contended by counsel for the applicants that "a comparison of the 22-cent rate with the domestic rate of 19½ cents shows that it is excessive." The rates referred to are to Montreal. It is to be borne in mind that the 19½-cent rate has been arrived at by a reduction of 10 per cent under General Order No. 350.

Under General Order No. 394, effective August 26, 1920, and with a view to maintaining the parity of rates between United States and the Canadian Atlantic ports, the same increases were permitted in the case of special tariffs on freight traffic to Montreal, Quebec, St. John, West St. John and Halifax, for export, as under the Interstate Commerce Commission Order which was effective on the same date.

The provisions of General Order No. 350, which directed reductions in the territory east of Fort William and Port Arthur to a basis of 25 per cent over those effective September 13, 1920, did not apply to export rates, but applied to domestic rates alone.

However, the rate of 22 cents now tariffed to Montreal and which became effective October 18, 1921, is 125 per cent of the rate prior to August 27, 1920; that is the date when the increase under General Order No. 304 became effective.

In comparing the domestic rate with the export rate, factors of absorption falling under the latter and not under the former must be borne in mind. While the difference in rate basis on the traffic concerned is 1 cent per 100 pounds, as between Montreal and St. John, the fact is that from August 27, 1920, until September 13, 1920, the Montreal rate on flour for export was 20½ cents as against 26 cents from St. John (see Exhibit No. 1). The difference is due to the fact that the St. John rate had been brought to a parity with the United States export rate basis, while in the case of Montreal the rate, pending the issuance of General Order No. 308, was held down by the domestic rate plus the additional charge ordinarily absorbed in the export rate. The following excerpt from a communication on file from the General Foreign Freight Agent of the Canadian Pacific Railway Company is material:—

"Under an order of the I.C.C., the 'at and East' rates from Buffalo to New York, for export, were increased effective August 26, 1920, whereas, between points in Canada an equivalent advance was not allowed until September 13, 1920. In the interval we published from Bay ports to Montreal a domestic rate of  $15\frac{1}{2}$  cents, plus terminal of 4 cents, with a stop-off of 1 cent per 100 pounds, making a total of  $20\frac{1}{2}$  cents per 100 pounds.

"Under General Order No. 308 of the Board of Railway Commissioners for Canada, we were permitted to increase our rates 40 per cent. With an increase in the domestic rate, this allowed us to increase our rate from the Bay Port to Montreal to the full extent of the advance made in the rate from Buffalo to New York."

I am of the opinion that the existing rate on flour to West St. John is not unreasonable.

The competition on wheat from Bay ports is operative in the case of the Dominion Millers' Association just as it is in the case of the Canadian National Millers' Association. The movement from Fort William is an all-rail one over which wheat does not move in summer when the water competition is available. As corrected by Mr. Watts in the course of an explanatory statement, flour and wheat from Fort William are on exactly the same basis, the difference in rate being due to milling-in-transit.

If this method of treating the subject is taken, then there should be deducted from the rates charged on wheat milled in transit at eastern mills the amount of the transit charge; otherwise, the respective charges would not be on a com-

parable basis.

If flour and wheat are taken, in terms of Mr. Watts' explanation, as being on the same basis at Fort William, this would mean that all rail they were on that basis of parity which applicants are contending for. The disparity which exists and to which further attention is drawn by Mr. Watts' examples is but another illustration of the effect of the water competitive situation as affecting the wheat movement via Bay ports, and is not, on the record before us, a measure of unfair treatment to flour.

While on the record and for the reasons given the Board is not justified in directing that the existing rate on flour to West St. John be reduced, it may be noted that during the course of the hearing it was strongly intimated by the railways that coincident with the opening of navigation from Montreal, the existing rate of 22 cents on flour, which includes the stop-off, would be reduced to 19½ cents. Deducting the 1 cent for stop-off, this would give a net rate of 18½ cents. It has already been indicated that there is at Montreal an absorption of terminal charges on flour amounting to 4 cents per 100 pounds. This would give earnings of 14½ cents per 100 pounds on flour as against 14·34 cents on wheat as at present. In order to make the comparison exact, however, there must be deducted from the present wheat rate the absorptions amounting to 1·3 cents per 100 pounds already referred to, thus giving earnings of 13·04 cents against 14½ cents, or a spread of 1·46 cents.

APPLICATION OF C. N. RYS., re INSTALLATION OF GATES AT BAY BRIDGE ROAD BELLEVILLE, ONT.

Judgment of Commissioner Boyce, March 17, 1922, concurred in by Assistant Commissioner.

By Order No. 25932, dated March 10, 1917, and in consequence of a fatal accident at this crossing (then protected by automatic bells on both Canadian Pacific railway and Canadian Northern railway installed in 1912) which took place on November 4, 1916, whereby one Richard Oliver, of Mountain View, Ontario, was killed by an eastbound Canadian Pacific Railway passenger train, and following a hearing at Ottawa on March 6, 1917, protection by gates was ordered at this crossing, the gates to enclose the tracks of both Canadian Northern and Canadian Pacific railways, which run side by side at this point, and to be operated day and night, the cost of installation and maintenance to be borne equally by the two railways. By subsequent Order No. 26300, dated June 30, 1917, the gates were ordered to be installed by August 31, 1917.

The gates so ordered have not been installed, the difficulty—almost impossibility, of obtaining the material necessary for their construction and installation, during war years being represented, on successive occasions, to the Board as a reason for the extension of time for compliance with the orders directing

protection by gates, granted by the Board.

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The applications for extensions were in each case substantiated to the satisfaction of the Board and the protection by watchmen night and day was maintained.

No accident has been reported as having occurred at this crossing since

that on the 4th November, 1916, referred to.

The railways concerned now join in an application to the Board to be relieved of the Order requiring protection by gates, and to substitute automatic protection by double automatic illuminated bells and wig-wag signals—bonded to the tracks of each railway in both directions—one bell operated by each railway; that is, a bell and wig-wag signal on each side of the crossing, each of which is bonded east and west to the railway it is to protect, and which warns by bell ringing and red disc waving the approach of any train from either direction on that railway. That application is the one now before the Board for consideration.

The crossing in question is the intersection of the Bay Shore (or Bay Bridge) road with the tracks of the Canadian Pacific railway and Canadian Northern railway two parallel single tracks (one on each railway) 15 feet apart. The road approaches the tracks from the south at an angle. The view of east-bound trains to traffic approaching the crossing from the south is—at 150 feet from the crossing one-quarter of a mile; at 100 feet therefrom, the same view.

To traffic approaching from the north—at 150 feet from the crossing, there

is a view of eastbound trains of 750 feet; at 100 feet, of 1,175 feet.

The view of westbound trains to traffic approaching the crossing from the

north is, at 150 feet, 1.250 feet; at 100 feet, 900 feet.

The view of westbound trains to persons approaching from the south, at 150 feet from the crossing, is 1,025 feet; at 100 feet is 925 feet. Curvature in the track curtails the view to some extent when approaching from the north; and, in approaching from the south, from which direction there is a substantial traffic, the view of eastbound trains, while uninterrupted, is impaired by the angle at which the railway tracks and the Bay Bridge road approach each other to intersect at the crossing in question. This only necessitates care on the part of highway travel in keeping a sharp view to the left-and over the shoulder the nearer the crossing is approached—for eastbound trains rounding the curve at the pumping station, about a quarter of a mile away, and the view of westbound trains is interrupted, though to no serious extent, by a brick house some distance from the highway and close to the curve the tracks make coming out of Belleville. On the whole, and having in company with the Assistant Chief Commissioner carefully examined the locality, I am of opinion that there is nothing in the shape of obscurity of view in approaching the crossing from either direction to render it inherently dangerous to highway traffic-where ordinary judgment—and reasonable care is used to avoid danger—with senses of sight and sound alive to the warning of approaching trains. If motorists approach the crossing at a high rate of speed, with curtains down, danger is incurred—not by the inherent danger of the crossing, or the approaches thereto —but by neglect to observe reasonable precautions in a place where danger lurks if that care is not observed—the same might be said of any crossing.

The Bay Bridge road is undoubtedly a heavily travelled highway. It is the only avenue of approach from Prince Edward county to Belleville and of egress from the city to that part of the country. Returns have been furnished by both railways of the highway traffic which may be summarized and analyzed as follows:—

## CANADIAN NORTHERN RAILWAY

Return for 48 hours highway traffic, ending August 3, 1921.

Pedestrians Vehicular (waggons) 790, Autos 1,431, Bicycles 259 Trains, Pass. 21, Frt. 38	9 400	Average per	hour "	12 52 1·22	
When no trains — 12	hours.				
Pedestrians Vehicular	169 771	Average per	hour,	14 64	
Balance — when there was traffic, 36 hours.					
Pedestrians Vehicular Trains	348 1,709 59	Average per	hour,	11·05 47·47 1·63	

### CANADIAN PACIFIC RAILWAY

Return for 48 hours - ending June 30, 1921.

Pedestrians Vehicular Trains	4 000	Average per	hour,	$   \begin{array}{r}     8 \cdot 23 \\     20 \cdot 95 \\     \cdot 91   \end{array} $	
When no trains — 10 hours.					
Pedestrians. Vehicular.	40 140	Average per	hour,	4 14	
When there were trains, but neither pedestrians nor vehicles — 5 hours.					

When trains, but no pedestrians — 9 hours. When trains, but no vechiles — 5 hours.

Balance of traffic — 38 hours — during which there were trains and pedestrians or vehicles, or both the latter

Pedestrians Vehicular.	355 866	Average po	er hour,	11·57 22·78
Trains	44	66	66	1.15

The difference shown by the two railways—in highway traffic—over the same crossing, is marked. The heavier traffic—that shown by the Canadian National—occurred on part of Monday, whole of Tuesday, and part of Wednesday, August 1, 2, and 3, while the much lighter traffic shown by the C.P.R. is for a part of Tuesday, the whole of Wednesday, and part of Thursday, June 28, 29, and 30. Whatever the reason for the difference the highway traffic as taken by the Canadian National should be taken as the normal highway traffic for the purpose of judging of the safety of the crossing, and what would be adequate protection therefor, and the train traffic to be taken into consideration must be the sum of the two railways, and the analysis would therefore be—approximately—

#### ON BOTH RAILWAYS.

Pedestrians	567	Average pe	r hour.	12
Vehicular	2,460	"	"	52
Trains	103	66	66	2.14

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I have, in this analysis, made no allowance for hours during which there are no trains, but distribute the highway traffic estimate over the whole forty-eight hours as to all railway traffic passing over the highway. The result shows a substantial traffic—although not abnormally so—by comparison—and having regard to the factors of approach and fairly good view.

The fact that only one accident is reported during a period of ten years is confirmatory of this—the traffic, although increasing with the growth of the use

of the motor car, having been substantial during that time.

Those representing the Belleville Chamber of Commerce and the township of Ameliasburg strongly advocated the installation of gates as the most adequate protection at this crossing. With not unnatural zeal for the prevention of another such lamentable accident as occurred in November, 1916, whereby Mr. Oliver lost his life, it was urged by counsel that every form of protection-gates, watchmen and mechanical warnings should be installed. I quite understand the point of view which prompted this contention as, I have no doubt, counsel also understands that this crossing being but one of many hundreds which the same railways had to protect the question of cost is a factor not to be lost sight of in deciding, in each case, what is the most adequate protection for the particular conditions of danger at each crossing. The public has an important duty east upon it as regards the exercise of ordinary care in places of danger. The highway traveller-not being under plysical disability of loss or impairment of vision, or hearing, is fully alive to the danger attending every crossing of a highway by a railway. To such protection is adequately afforded by such methods of warning as will best appeal to those senses of vision and hearing, and awaken them to attention and alertness to avoid impending danger. The instinct of self preservation being thus appealed to and awakened, the hazard can safely be averted by care and caution of movement prompted by the warning. If these senses, ocular and auditory, being adequately and forcibly appealed to, do not have that effect, there is a failure of the human element, not as to protection of the crossing, but in the approaching traveller, and if a catastrophe occurs—it is chargeable to the neglect of the means of safety open to him-unless there is negligence of railway operation otherwise contributing to disaster and over-riding the caution thus invoked.

Protection by gates is intended to afford a temporary physical barrier to access to the right of way of the railway from the highway while a train is passing. Except in daylight (and at night by a stationary light) there is, in this form of protection, no appeal to the senses of sight and sound. Reckless impatient motorists have been known to drive through gates in their eagerness to beat an approaching train, or to avoid the delay involved in being held while a train is passing, resenting the physical obstacle in their pathway. The standard form of gates, being of light construction, makes this recklessness possible. With similar recklessness pedestrians crawl under the gates and fatal accedents have thereby resulted. So that while gates may in one condition of things be the more suitable form of protection it can hardly be said. I think, in the light of the growth of other forms of protection, to be the highest form of protection in every case, in the sense that any other form is less adequate or less suitable to the conditions to be dealt with and guarded against.

During war years the cost of material and labour incident to the installation of gates increased the capital cost of this form of protection about 100 per cent. The cost of maintenance has likewise increased in about the same proportion, so that the cost of installation is now approximately \$4,000 and maintenance \$4,000 annually. The cost of protection by day and night watchmen is, approximately \$5,000 per annum. What the Board is concerned with in all

applications of this nature is securing the maximum protection suitable to the particular conditions in each case, with a due regard to the necessity of keeping down costs, which often have to be borne proportionately by municipalities as well as railways.

The crossing in question is at present protected by day and night watchmen, and, apparently, that form of protection has been satisfactory. It has continued since the accident in November, 1916, and no accident has occurred

The Mayor of Belleville submitted a suggestion that this crossing should be closed by the diversion of the Bay Bridge road at Water street and carrying it under the railway tracks by a subway. This suggestion has received careful consideration and has been fully investigated and reported upon by the Chief Engineer of the Board. The subway would involve the raising of the bridges of both railways across the Moira river 31 feet and raising the tracks for a distance of 3,600 feet. The expense of such a work would be enormous if otherwise feasible, but a profile drawn by the City Engineer shows that in a subway of 11 feet 6 inches headroom there would be at high water 2 feet of water in such subway—the average high water being the bottom of the subway, and there would be no drainage. If the headroom was 14 feet instead of 11 feet six inches which might be necessary to provide for loads of hay, etc., the highway would be 3 feet under water at highest water level, and 1 foot under water at all times at average water level. If the tracks were not raised, with a 12-foot subway, at highest water record there would be 6 feet of water in the subway, and at average high water there would be four feet. If the subway had headroom of 14 feet, as would be desirable for the class of traffic carried over the roadand the tracks not being raised, the highest water record in the subway would be 7½ feet above the bottom of the subway and the average high water would be 6 feet, making the proposition quite impracticable. The question of protection must therefore be considered as to the present location of the crossing.

What is now asked is that mechanical watchmen—that is—automatic bells and wig-wag signals, be authorized as protection in lieu of gates or the men now guarding the crossing day and night. The question—as I have said—is solely the adequacy of protection. If, in the circumstances, the substitution of the form of protection asked for by the railways will give sufficient protection, and

at greatly reduced cost, the substitution ought to be made.

The superiority I see in the form of protection sought to be substituted and authorized lies in the fact that it is mechanically awake and operating whenever any train at any hour of the day, or night, enters the trackage area, bonded to one or other of the bells on each railway. Eliminating from consideration the contingency of the possible failure of the human element in protection by men, day and night, through illness, sleep, or any other imperative and compelling cause incident to nature (while not unmindful of its importance as often shown in the Board's records of accidents at crossings protected by watchmen) I would emphasize what occurred to me when making the inspection, and interviewing the watchman then on duty. His vision is limited by curvature of track-often by foggy or stormy weather-he receives no warning, except by sight or sound, of the approach of a train, and is not informed when trainsoften of high speed-are delayed-he can only act and be of service as a protector of public safety when he sees a train approaching, and from his position he gets but short notice of that fact. At night and in cold or stormy weather he is in his shanty with the door closed. A delayed high speed train coming suddenly into his view-if-as his duty is. he is continuously on the watch, and alert, gives him but scant opportunity to jump up-get his disc in day time,

or his lamp at night—open his door and go out on the crossing. By this time the train would be right in or very close to the crossing according to its speed. Should it happen, as in the case of the one accident recorded at the crossing, that there is a train, approaching on each railway, from the same or opposite direction (if the watchman observes both trains), which side of the railway is he to stand to warn highway travel? Similar failure of the human element might occur in the case of a watchman in charge of gates. Instances of such are of record with the Board.

Contrasted with these important considerations is the fact that the automatic bell and wig-wag signal is mechanically alert the instant a train enters the area in which is is bonded—say 2,000 feet away from the crossing. So that in the one case, while a watchman is getting ready to flag, in the other the bell is ringing and the wig-wag is waving its imperative warning of danger. The loud alarm and waving of danger disc by day, and red light at night, are instantaneous with the arrival of a train at the distant point at which a watchman, if continuously alert, may first see it and prepare to warn its approach. In many cases the mechanical warning would be operating at the crossing before a watchman sighted an approaching train. Should the mechanism get out of order the engineer of the last train passing over the crossing reports the fact at the next telegraph station, slow orders go into force, and a watchman is immediately installed pending repairs. The devices are inspected and reported upon daily. This form of protection has proved very satisfactory after being in general and growing use for many years. It has been improved to a very high standard of efficiency.

After a careful study of the situation on the ground, and having regard to all the conditions existing at this crossing, I am of opinion that in the interests of public safety, and of economy as a minor and subsidiary consideration, the substitution ought to be authorized. I think that it is more suitable than any of the forms considered viz: gates and watchmen, to the conditions at this

crossing.

The view to the east, when approaching the crossing from the south is partially obscured by some trees, of no particular value. These, it is said, are on the property of the city and should be removed, and the space kept clear. This work the city should be required to do at once to the satisfaction of the Board's Engineer, who will furnish a sketch of the work required.

At the northwest corner the Canadian Northern Railway should be required also, to the satisfaction of the Board's Engineer, to cut down to the level of the

ground some shrub, about 15 feet high, and keep the space clear.

I would suggest that the city of Belleville (by itself, or in conjunction with the township authorities) instal on the Bay Bridge road, on each side of this crossing, at a distance of, say 300 feet, from the rail and at the right hand side of the Road—approaching the crossing from each direction of travel highway crossing warning signs of the standard approved by the Board—and light them at night. This can be obtained at small expense by application to the Chief Engineer of the Department of Highways, Toronto. The Board has no power, I think, to direct this desirable auxiliary protection, but I feel sure that the city and township will cheerfully act on this suggestion and have these signs installed as soon as possible. The city should keep them painted and lighted. There will be no order as to this.

With the view improved by the removal of the trees and scrub above mentioned by the city and the Canadian National Railways, respectively, and with the installation and maintenance in efficient working order by the railways, respectively, of two illuminated electric bells, with wig-wag signals, bonded to

the track of each railway, in both directions-one bell and signal on each railway (each railway to bear the cost of installation and maintenance of the bell and signal on its own line of railway), I think that the most adequate protection

possible will be afforded under present conditions at this crossing.

The Order of the Board, No. 25932, dated March 10, 1917, and all subsequent Orders relating thereto, will be discharged when the substantive protection by bell and wig-wag signal thereby confirmed and allowed shall have been installed and in efficient operation to the satisfaction of an Engineer of the Board.

APPLICATION OF DEPARTMENT OF PUBLIC HIGHWAYS, PROVINCE OF ONTARIO, re APPROACH TO BRIDGE, G.T.R. AND C.P.R. COMPANIES

Judgment of Chief Commissioner, April 25, 1922, assented to by Assistant Chief Commissioner, Deputy Chief Commissioner, and Commissioners Boyce, Rutherford and Lawrence.

By Order of this Board No. 24418, dated the 8th day of November, 1915, the Grand Trunk Railway Company was ordered, the Canadian Pacific Railway Company consenting, to divert the Kingston road, in the townships of Brighton and Murray, about four miles west of the town of Trenton as set forth therein and according to plans on file with the Board, and, in the said order, it was directed that 20 per cent of the cost thereof, not exceeding \$5,000, be paid out of the Railway Grade Crossing Fund. The work was completed, and, in the month of August, 1916, the Chief Engineer of this Board certified that the work had cost \$31,579.95, that the charges were fair and just, and that the crossing in question was in existence on the 1st day of April, 1909, and, thereupon, the sum

of \$5,000 was paid out of the Grade Crossing Fund.

Since that date, the great increase of automobile traffic has made the road dangerous at both the northern and southern turns of the approach to the bridge where it crosses the Canadian Pacific and Grand Trunk Railways' tracks. At a hearing on the 7th day of March last, it was stated by Mr. Hogarth, the engineer of the Department of Public Highways of the province of Ontario, that the turns at both ends of the said bridge were dangerous to traffic, that a number of accidents had occurred and one man had died as a result thereof, that the province had rounded or flattened the curve on the southern end at a cost of \$1,025.75. and asked that the province be reimbursed this amount by the two railway companies concerned. He also contended that the northern end should be treated in the same manner, excepting that it would have to be constructed of wood, as it was on the top of a high embankment, and Mr. Chisholm, for the Grand Trunk Railway Company, stated that \$1,270 was about the cheapest price for which it could be done. These two amounts together would total \$2,295.75.

The railway companies contended that they had constructed the diversion according to the order of the Board and to the satisfaction of its Chief Engineer, and, therefore, especially as both the turns in question are outside the railway and on the public highway, they should not be compelled to contribute anything

further to the protection, and in this view I concur.

The question was raised at the hearing as to whether or not the Board would be justified, in view of the amendment to the Grade Crossing Fund Act as found in section 262 of the Railway Act, 1919, in increasing the contribution therefrom from 20 per cent to 25 per cent or to such an amount within the 25 per cent, not exceeding \$15,000, as would be required for this particular work, and, on a careful examination of the said section, I am of the opinion that such

power rests in this Board. We have the right to expend certain moneys for the protection, safety, and convenience of the public in respect of highway crossings of railways at rail level in existence on the 1st day of April, 1909, as, in our judgment, may be proper, so long as the amount does not exceed 25 per cent of the cost of actual construction nor, in the total exceed the sum of \$15,000, the only limitations being that no such money shall, in any one year, be applied to more than six crossings on any one railway in any one municipality or more than once in any one year to any one crossing. Twenty per cent, was paid in 1916; nothing has since been paid, the road prior to the construction of the bridge was a level crossing and was in existence before the 1st day of April, 1909; no amount has since been contributed out of the Grade Crossing Fund, neither has any money been contributed therefor during the present year, at least in the same municipality; therefore, it seems to me that, as a matter of law as well as justice, the Board would be justified in ordering a further contribution, so long as the total did not exceed 25 per cent of the cost of the work, nor \$15,000 in the whole.

I find by computation that the total amount required for the improvements suggested would be \$2,295.75, which would make a total of \$7,295.75 and would amount to about 23·1 per cent of the total cost of the work, or well within the 25 per cent and the \$15,000 limits, and I, therefore, think an Order should issue authorizing the payment to the Department of Highways for the province of Ontario of a sum not exceeding \$2,295.75, partly in payment of the work already constructed and the balance for the further improvement of the northern end of the crossing; the work to be done according to plans approved by and to the satisfaction of the Chief Engineer of the Board upon whose certificate the said moneys shall be payable.

APPLICATION OF CITY OF HAMILTON in re SUBWAY UNDER GRAND TRUNK RAILWAY TRACKS, TOWNSHIP OF BARTON

Judgment of Assistant Chief Commissioner, May 15, 1922, concurred in by Chief Commissioner and Commissioners Boyce, Rutherford and Lawrence.

Under date of December 5, 1914, Order No. 22947 issued providing for the construction of a subway on Kenilworth avenue, Hamilton. Said order provided as to distribution of cost as follows:—

3. That the Grand Trunk bear and pay the extra cost of widening the proposed subway to accommodate any greater number of tracks than four it may desire to construct across the street; such extra cost to cover, not only the additional length of the retaining wall and deck surface, but also the expenditure for additional land or consequent damage, if any, incident to the extension. Provided that the total right of way of the Grand Trunk shall not in any event exceed one hundred feet.

4. That twenty per cent of the cost of constructing the said subway be paid out of the "Railway Grade Crossing Fund" (not exceeding \$5,000); and that the remainder of the said cost be apportioned as follows: namely: seven and one-half (7½) per cent to be borne and paid by the township; thirty-two and one-half (32½) per cent by the Grand Trunk; twenty-five (25) per cent by the city; and thirty-five (35) per cent by the applicant company.

Subsequently a statement was rendered by the Hamilton Street Railway Company on March 18, 1919, showing expenditures by it of \$29,749.06, and asking that payment should be made to it of the sum of \$5,000 out of the Grade

Crossing Fund, this being the payment provided for in the order. This was recommended to the Department of Railways and Canals on September 11, 1919, and cheque was issued by the department under date of September 24, 1919.

The sum of \$29,749.06 as submitted did not cover the total cost of the subway. Various other expenditures were necessitated in connection with the purchase of lands, etc. As, however, the contribution from the Grade Crossing Fund at the date the order was made was limited by statute to 20 per cent and not exceeding \$5,000, it was obvious that for the purpose of calculating the amount payable the sum of \$29,749.06 was adequate as a basis.

Under arrangements between the parties, the city was to see to the acquiring of options in connection with the acquisition of property necessary in connection with the construction of the subway. Lands were acquired and the portions not required for the work were disposed of. It was necessary, also, to pay consequential damages in connection with the construction of the said subway.

In the application now launched by the city of Hamilton, it is set out that the sale of lands was not finally completed until the township of Barton, one of the interested parties, had accepted and agreed to such sale by an agreement between the city and the township entered into on the 8th day of February, 1921.

In a written communication from the township of Barton, dated February 23, 1922, it is contended that it was not responsible for any delay in connection with the lands. It is set out that the township had nothing to do with the construction of the subway and the settling of matters in connection therewith; but these were left entirely with the city of Hamilton and the Hamilton Street Railway Company.

Nothing appears, however, to turn on the question who is responsible for

the delay, and this matter need not be gone into.

The city of Hamilton furnishes a statement of cost which amounts, with the addition of the sum paid out of the Grade Crossing Fund, to \$61,858.75. In this, it gives the net cost of the lands acquired at \$13,390; and it also includes the sum of \$6,717.95 interest charged at 5 per cent on the average principal advanced by the city of Hamilton in connection with the work that it did.

While the application is one for an order directing payment for the construction of the subway, that is to say, allocation of cost between the parties, the original order provides for the percentages of payment to be borne by each of the parties. What really is involved is the question of treating the item of \$6,717.95—interest charges—as part of the cost. It is stated in the application of the city of Hamilton that the Hamilton Street Railway Company and the corporation of the township of Barton have not objected to the payment of interest. There is a statement on file from the Hamilton Street Railway Company saying it does not object to the payment of its proportion of cost of construction, with interest thereon. The only communication received from the township of Barton does not set out specifically its attitude in respect of interest, but it does say that it is desirous of having the matter adjusted so that the necessary debentures may be issued for the purpose of paying the township's proportion of the cost.

In the answer of the Grand Trunk, exception is taken to the payment of nterest. In a letter dated January 30, 1922, it states that it has always been eady and willing to pay to the city of Hamilton its share of the cost, which t sets out as being at present, after various expenditures made, \$10.166.80; but t contends that it should not be called upon to pay interest. It claims that he city should have called upon the parties interested for payment of their proportions of each land damage case upon it being closed, instead of waiting intial claims have been settled and disposed of before rendering accounts.

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As already pointed out, the amount of interest—\$6,717.95—is computed on the average principal concerned. The city is billing the other parties for 75 per cent of the interest; that is to say, it proposes to bear 25 per cent of the interest bill as entering into cost, said percentage being in accordance with the provisions provided for in the original order.

On consideration of the matter, I am of opinion that, on the facts involved, this item is a legitimate one and that it should be borne by the parties in the proportion provided for in paragraph 4 of the order; that is to say, in the following proportions: 7½ per cent by the township; 32½ per cent by the Grand Trunk; 25 per cent by the city, and 35 per cent by the applicant company.

There is a further phase of the matter, however, to consider. Exclusive of the item of interest, the cost as checked by the Board's Chief Engineer, after deducting an item of \$50.40 in connection with expenses of delegation to Ottawa, is \$55,090.40. This is the figure given as the cost of the work by the Grand Trunk. Deducting the further item of \$5.000 from the Grade Crossing Fund, this gives the net cost to be met as \$50,090.40. Deducting from the gross figures of the city of Hamilton the following items:—

- (a) \$5,000 from the Grade Crossing Fund;
- (b) \$50.40 as already explained; and

(c) \$6,717.95 interest;

or a total of \$11,786.35, there is a net cost of \$50,090.40.

The Railway Act of 1919 amended the provisions in regard to the Grade Crossing Fund by providing that instead of the percentage of 20 per cent, with a \$5.000 limitation hitherto applying, there should be 25 per cent, with a \$15,000 limitation. The Railway Act of 1919 became effective on July 7, 1919.

As pointed out, the recommendation for the payment of \$5.000 out of the Grade Crossing Fund did not go forward to the Department of Railways and

Canals until September, 1919.

In The application of the Department of Public Highways, Province of Ontario, for an Order directing the C.P.R. Co. to reconstruct bridge at overhead highway crossing in Lot 17, Con. 1, Tp. of Murray, near Smithfield, Ont., so it will carry a load of 12 tons.—Board's File 3701.32—the following language was used by the Chief Commissioner:—

"The question was raised at the hearing as to whether or not the Board would be justified, in view of the amendment to the Grade Crossing Fund Act as found in section 262 of the Railway Act, 1919, in increasing the contribution therefrom from 20 per cent to 25 per cent, or to such an amount within the 25 per cent, not exceeding \$15,000, we would be required for this particular work, and, on a careful examination of the said section, I am of the opinion that such power rests in this Board. We have the right to expend certain monies for the protection, safety and convenience of the public in respect of highway crossings of railways at rail level in existence on the 1st day of April, 1909, as, in our judgment, may be proper, so long as the amount does not exceed 25 per cent of actual construction, nor, in the total, exceed the sum of \$15,000, the only limitation being that no such money shall, in any one year be applied to more than six crossings on any one railway in any one municipality or more than once in any one year to any one crossing. Twenty per cent was paid in 1916; nothing has since been paid; the road prior to the construction of the bridge was a level crossing and was in existence before the first day of April, 1909; no amount has since been contributed out of the Grade Crossing Fund, neither has any money been contributed therefor during the present year, at least in the same municipality;

therefore, it seems to me that, as a matter of law as well as justice, the Board would be justified in ordering a further contribution, so long as the total did not exceed 25 per cent of the cost of the work, nor \$15,000 in the whole."

What is herein involved falls within the reasoning of the foregoing decision. Reference may be made in this connection to the decision of the Board "Re protection at 18th Street, Lachine, Que., as rendered April 28, 1914, and Order 21711 issued in connection therewith—Board's File 9437.121.

Order 22957 may be amended by providing that 25 per cent of the cost and not exceeding \$15,000 shall be paid out of the Grade Crossing Fund. The total cost of the work, exclusive of interest and the additional deduction already referred to, approved by the Board's Chief Engineer, amounts to \$55,090.40. 25 per cent of the cost apportioned to the Grade Crossing Fund would amount to \$13,772.60. As \$5,000 has already been paid out, there remains the additional sum of \$8,772.60 which may be apportioned under the existing legislation. This should be apportioned in accordance with the percentages set out in the original Order, with the following result:-

m .	0 - 00	04200		
Township of Barton The Grand Trunk		\$8,772.60,	equals	\$ 657.94 2,851.10
City of Hamilton.	25 %	22	27	2,001.10
Hamilton Street Railway	35 %	"	"	3,070.41

Amending Order should go accordingly.

## Re freight tolls, 1922

## Judgment of the Board, June 30, 1922

Shortly after the promulgation of General Order No. 308 of this Board, being the order providing for the general rate increases known as the Thirtyfive and Forty Per Cent Case, effective September 13, 1920, various bodies, among them the province of Manitoba, appealed to the Privy Council asking that the said order be reseinded for various reasons set forth by the appellants. That matter was heard by the Privy Council, and, on the 6th day of October, 1920, by P.C. No. 2434, His Excellency in Council dismissed the appeal, but, in doing so, stated as follows:-

"What constitutes a fair and reasonable rate should now be arrived at without reference to the requirements of the Canadian National System and your committee recommends that the order in this case be referred back to the Board to be corrected in its findings in such manner as to determine what are fair and reasonable rates without taking into account at all for the time the order shall be in effect, the requirements of the Canadian National System.

"Very strong representations were made at the argument on appeal to the effect that the order continued and indeed intensified an unjust discrimination in rates, it being claimed that higher freight rates prevail generally in Western Canada, that is west of Fort William, than prevail in Eastern Canada, that is east of Fort William. It was strongly urged that the reasons, whatever they may have been, for this differential no longer exist, and that as a matter of public policy the principle of equalization of rates East and West should now be recognized. On the other hand, it was urged that the competition arising out of lake and river transportation as well as out of lower competitive rates on Eastern United States lines compelled a somewhat lower scale in Eastern Canada than in Western Canada. Whether or not these reasons now obtain n any substantial degree is a question which requires minute and expert investigation such as can be best conducted by the Railway Commission itself and not by Your Excellency's advisers, but the committee is strongly impressed with the very great desirability of bringing about with the least possible delay equalization of Eastern and Western rates.

"The Committee of the Privy Council therefore further recommend that as conditions have probably changed materially in recent years tending more and more to make equalization practicable, an inquiry by the Board be directed to be held at the earliest date with a view to the establishment of rates meeting to the utmost extent possible the above requirement as to equalization."

The Board thereupon started an investigation, primarily to ascertain whether or not conditions had changed as suggested by the Order in Council and as to whether the difference in rates, if any, thus existing in a general way between Eastern Canada and Western Canada amounted to undue discrimination against

Western Canada.

The first sittings was held at Ottawa on the 22nd day of November, 1929, when it was arranged that the Board would hold sittings in Western Canada in the early spring, and, in pursuance thereof, sittings were held in all the principal sittings of Western Canada in the month of April, 1921, again in the months of October and November, 1921, and the final argument took place in Ottawa in the months of February and March last.

Very shortly after arrangements were made for such hearings, application was made by representatives of the provinces of New Brunswick, Nova Scotia, and Prince Edward Island alleging that they were unfairly treated in that the arbitraries over Montreal, which they had enjoyed for many years prior to 1916, had been either abolished or materially increased, and asked that the old

arbitraries be re-established.

Then the province of British Columbia applied for the elimination of the Mountain scale of rates as applied to that province, asking that the Prairie scale be extended through to the Pacific coast.

At a later date, application was made by the Lumber Association of Canada and ailied interests for a general reduction in the rates upon lumber commodities.

There have also been applications before the Board by the Board of Trade of the city of Sault Ste. Marie and other business interests thereof for the extension of Schedule A rates from Sudbury to Sault Ste. Marie, and, finally, an application by the Commercial Travellers' Association of Canada alleging that the 20 per cent increase upon excess baggage provided for by General Order No. 308 should have been eliminated when passenger rates went back to normal on the 1st day of July, 1921, claiming that the excess baggage rate is based upon passenger rates, and therefore, when the passenger rates were reduced, the same principle should be applied to excess baggage.

In addition to this, we have had scores of applications from individuals, corporations, and municipalities asking for a reduction of rates either generally

or upon the traffic in which they are respectively interested.

No reference is made herein to the application of the fruit growers of Nova Scotia and the potato growers of the Maritime Provinces for a reduction in the export rate on their commodities, as these rates were increased, not by General Order No. 308, but by General Order No. 303, effective August 26, 1920, and we understand the railway companies have already filed tariffs, effective July 1, reducing these rates by 10 per cent in accordance with the like reductions in the United States under the recent General Order of the Interstate Commerce Commission.

By the terms of General Order No. 308, all increases therein provided for cease to exist on the 1st day of July, 1922, because of the fact that the amend-

ment to section 325 of the Railway Act, 1919, which had the effect of postponing the coming into effect of the Crowsnest Pass legislation for three years, expires on the 6th day of July next. Shortly after Parliament opened in March last, the question of the further extension of the coming into operation of the Crowsnest Pass legislation was referred to a Special Committee of the House, which has reported, and legislation based thereon has been enacted, being Bill No. 206, which, in effect, provides for the suspension of the operation of the Crowsnest Pass legislation for a further period of one year upon all rates and schedules mentioned therein with the exception of grain and flour, the rates upon which latter products on and after the 6th day of July, 1922, shall be those provided for in the original legislation, being chapter 5 of the Statutes of 1897, and also providing that His Excellency the Governor General in Council may extend the provisions of the said Act for an additional term of one year, if, in their judgment, it is considered advisable to do so.

# Comparison of Canadian and United States Freight Rates

It is considered advisable at this stage to give a comparison of the general rate structures of Canada at present as compared with the rate structures of the United States as they will be on and after the 1st day of July next, because, on account of the great similarity between railway operations and business conditions in the two countries as well as the very large volume of international traffic, it is well to know as nearly as possible the exact relationships of the rate structures of both countries.

Two or three years ago, and before the general increase in rates in the United States authorized by the Interstate Commerce Commission under ex parte 74, effective August 26, 1920, a careful comparison was made between the general level of freight rates in Canada and the United States which showed, having regard to all the controlling conditions, that the general level

was slightly in favour of the Canadian shipper.

Freight rates in Canada were not generally or materially increased during the first four years of the war, but in 1918 and 1920 it was necessary, not only in Canada, but in other countries as well, to materially increase freight rates, so as to enable the privately owned railways, but not in full measure, to meet their advancing operating costs which had increased by leaps and bounds and in a manner entirely without precedent or parallel. The wage increases in 1918 and 1920, coupled with the increased cost of coal and other materials and supplies, resulted in such increases in railway operating costs that a substantial increase in freight rates was inevitable.

Notwithstanding that the employees of the Canadian railways were granted increases in wages equal to those in the United States and that increased costs and war conditions bore even more heavily upon railway conditions in Canada than in the United States, the increase in rates as authorized by this Board did not bear as heavily on the Canadian public as the increase authorized in the United States by the Interstate Commerce Commission, as will be clearly evidenced

by the following.

These general increases, commonly known as the Forty Per Cent increases although in fact they averaged appreciably under that figure, became effective in the United States on the 26th day of August, 1920, and in Canada on the 13th day of September, 1920. There has been no general decrease in freight rates authorized in the United States since August 26, 1920, although there will be a general decrease of 10 per cent effective July 1, 1922. On the other hand, the increased rates effective September 13, 1920, in Canada, were subject to a general decrease of 5 per cent January 1, 1921, and the further general

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decrease of 10 per cent December 1, 1921. The situation is illustrated below, taking in each case for simplicity of illustration, a rate of \$1 per 100 pounds:—

#### CANADA

	Rate prior to Sept. 13, 1920	Effective Sept. 13, 1920, Rate increased to	Effective Jan. 1, 1921, Rate decreased to	Effective Dec. 1, 1921, Rate decreased to
East	\$ cts.	\$ cts.	\$ cts.	\$ cts.
	1 00	1 40	1 35	1 25
	1 00	1 35	1 30	1 20

#### INTERTERRITORIAL TRAFFIC

Percentage of increase in rates within territories east and west of Port Arthur applied to the east and west factors thereof respectively.

#### UNITED STATES

	Rate j to Aug. 26		Effect Aug. 26, Rat Increase	1920 e	Effect July 1, Rai Decreas	1922 te
Eastern group Western Group. Southern and Mountain Pacific Groups. Interterritorial Traffic.	\$	cts.  1 00 1 00 1 00 1 00 1 00	\$	cts.  1 40 1 35 1 25 1 33\frac{1}{3}	\$	cts.  1 26 1 21½ 1 12½ 1 20

Further, under this Board's General Order 308, September 9, 1920, the railways were prohibited from increasing rates on—

Crushed stone, sand, and gravel

Minimum class rate scale

Minimum charge per shipment

Switching, interswitching, milling-in-transit, diversion, reconsignment, stop-overs, demurrage, weighing, etc.

The increase allowed in rates on cordwood, slabs, edgings and mill refuse for use as fuel was limited to 10 per cent

The increases in coal rates was limited as follows:—

In rates 0 to 80 cents per ton—10 cents
In rates 80 to 150 " " —15 "
In rates over 150 " " —20 "

In the United States, under ex parte 74, July 29, 1920, there was no similar limitation with respect to rates on crushed stone, sand, gravel, and coal, and they were subject to the same percentage increases as authorized for other traffic; further, the percentage increase applicable in the group where the service is performed was made in the charges for switching, transit arrangements, weighing, diversion, reconsignment, lighterage, floatage, storage (not including track storage), and transfer, while no increases for those services were allowed in Canada.

The coal traffic is, of course, a very large and important movement, and the following illustrations show what the limitation in Canada meant as compared with the percentage increase in the United States. The increases allowed

	In Canada	In United States Effective Aug. 26, 1920			
	Effective Sept. 13, 1920	Eastern Group	Western Group	Southern and Mtn- Pacific Group	
In rates 0 to 80c. ton	10c. per ton 15c. " 20c "	% 40 40 40 40	% 35 35 35 35	% 25 25 25 25	

To Illustrate::-

	In	United Stat	es	
	East	West	South and Mtn-Pacific	In Canada
A rate of 80c, per ton became	c. 112 210 420	c. 108 203 405	c. 100 188 375	e. 90 165 320

Under the reduction in rates in the United States to become effective July 1, 1922, the situation will

Where rate prior to 1920 increase was—	In United States July 1, 1922	In Canada Aug. 1, 1922, on Anthracite on all other coal
80c. per ton now becomes	$\begin{array}{c cccc} c. & c. & c. & c. \\ 101 & 97 & 97 \\ 189 & 182 & 16 \\ 378 & 365 & 33 \end{array}$	9 165 150

Subsequent to the general increase in 1920, there have been a large number of substantial reductions in Canada between various points on different commodities. In Canada, among the more important reductions made by the railways, were the grain rates from Fort William and Lake ports to the Atlantic seaboard and Eastern Canada; on live stock, on which a reduction of approximately 25 per cent was made in July, 1921, from the rates effective September, 1920; on hay in Eastern Canada; on lumber from the Pacific coast to eastern points; on wool and hides from western to eastern points, etc., etc.

In the United States a reduction in carload rates on grain, grain products. and hay in the Western and Mountain-Pacific groups became effective in January, 1922; rates on live stock in the same groups in excess of 50 cents per 100 pounds were reduced 20 per cent, but not below 50 cents, in October, 1921; and carload rates upon products of the farm, garden, orchard, and ranch were reduced 10 per cent in January, 1922. These are the only three instances where reductions were made covering the entire country, or the whole or any one or more rate groups, since the increases of 1920 became effective. These rates are not being further reduced in the United States July 1, 1922.

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COMPARISON BETWEEN CANADIAN AND UNITED STATES PASSENGER FARES

Immediately prior to August 26, 1920, the standard passenger fare in the

United States was 3 cents per mile.

On August 26, 1920, the Interstate Commerce Commission authorized an increase of 20 per cent in all passenger fares, with a standard of 3.6 cents per mile. An increase or surcharge of 50 per cent was allowed in sleeping and parlour car fares, an increase of 20 per cent in excess baggage rates, and 20 per cent increase in rates for the carriage of milk in baggage cars, all effective on the same date.

In Canada, prior to September 13, 1920, the standard passenger fare east of and including McLeod, Calgary, and (Wolf Creek) Thornton, Alberta, was

3.45 cents per mile; west of these points, 4 cents per mile.

By General Order of the Board No. 308, the passenger fares were increased by 20 per cent, subject to a maximum of 4 cents per mile. The order did not, therefore, increase passenger fares in British Columbia. An increase of 50 per cent was also allowed in parlour and sleeping car fares, and 20 per cent in excess baggage charge, but no increase was allowed in the rates for the carriage of milk in baggage cars.

On January 1, by the same order, the standard passenger rate east of McLeod, Calgary, and Thornton was reduced to 3.795 cents per mile, and on July 1, 1921, the standard passenger fare reverted to 3.45 cents per mile.

On December 1, 1921, the increase or surcharge in parlour and sleeping car fares was reduced to 25 per cent over those in effect prior to September 13, 1920.

Comparison of rates in Canada and in the United States at present is as follows:—

#### PASSENGER FARES

United States—		0.0 "
All territory	Standard	3.6c. per miles
zili bollibolj		

#### SLEEPING AND PARLOR CAR FARES

United States		Surcharge of 50 per cent.
C 10000 Downooiiiiiiiiiiii	***************************************	Sunahanna of 25 non cont
Canada		Surcharge of 25 per cent.

#### EXCESS BAGGAGE CHARGE

United States	 20 per cent increase
Canada	 20 per cent increase
Canaaa	 

#### MILK IN BAGGAGE CARS

United States	 20 per cent increase
Canada	 No increase

#### BASIC COMMODITY REDUCTIONS

At the hearing by the Special Committee of Parliament above referred to, both the Canadian Pacific Railway and the Canadian National Railways proposed that, outside of the question of the rates on grain from the Prairie Provinces to the head of the lakes, any decreases in freight rates in Canada should be confined to what they called "basic commodities," and, in the reference to the subject as found on page 47 of the Reports of the Special Committee, Mr. Beatty, President of the Canadian Pacific Railway Company, stated as follows:—

"It was apparent, however, that in 1921 certain industries felt the depression much more severely than others, and it was the opinion of the railway executives both in Canada and the United States, an opinion

which, I think, is shared by the United States Government as expressed by the testimony of the Secretary of Commerce, Mr. Hoover, before the Interstate Commerce Commission, that inasmuch as the reductions were a matter of relief they should be first extended to those industries which most needed it. It was felt that more effective relief would be accorded in this way and that it would bear less heavily on the companies' revenues because of the exclusion from the reductions of numerous commodities in which the railway rate played a very small part. If the matter were one depending on the judgment of the railways, this method would be followed if the Railway Commission approved."

Mr. Beatty furnished the following list of basic commodities on which he thought reductions should be made: Grain and grain products, forest products, coal, building material, brick, cement, lime, plaster, potatoes, fertilizer, ores, wire rods, and scrap iron, to which, later on, were added pig-iron, blooms, and billets. The same list was afterwards approved by the Canadian National Railways.

In the Report of the Special Committee to the House above referred to, it was stated as follows:—

"basic commodities which may be afforded reductions should have the earliest possible consideration by the Board of Railway Commissioners."

While the recommendation of the committee is to be treated with respect, it is not binding in law upon this Board. It is arguable that in revising rates, the logical method to pursue is to redress antecedent necessary percentage increases by subsequent percentage decreases, thus minimizing the inequalities which the percentage increases had accentuated. As a matter of emergency action, however, revisions may be made on basic commodities in so far as is possible, consistently with other conditions now existing.

At a later sittings of the committee, both the Canadian Pacific and the Canadian National Railway Companies suggested that, in lieu of the coming into effect of the Crowsnest Pass Agreement, the following percentage reductions from present rates should be made upon these basic commodities, viz:—

Building material—
Brick, cement, lime, and plaster.
Potatoes.
Fertilizers (other than chemicals).
Ores.
Western Lines 16.66%
Pig iron.
Blooms.
Blooms.
Billets.
Wire rods.
Scrap iron.

This proposal was not adopted by either the committee or the House as proposed, but, as before stated, the rates on grain and flour from the western provinces to the head of the lakes were reduced to the original Crowsnest Pass basis, and the question now arises as to what percentage of reduction the Board can reasonably grant upon these specific commodities under the changed conditions above referred to.

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At a hearing of the Special Committee on the 20th day of June instant, Mr. Lanigan, Freight Traffic Manager for the Canadian Pacific Railway Company, filed a statement showing what would be the reduction in the revenues of that company if the offer above referred to had been accepted, as follows:—

## STATEMENT FILED BY MR. LANIGAN

#### CANADIAN PACIFIC RAILWAY

#### BASIC COMMODITIES

Grain and grain products.  Forest products.  Coal, exclusive of anthracite and coal from Fort William  Potatoes.  Building material—brick, lime, cement, plaster  Fertilizers (other than chemical).  Pig iron, billets, blooms, wire rods, and scrap iron.  Ores.	476, 619 115, 358 353, 415 18, 621 132, 466
International and interstate traffic, 10 per cent	\$ 8,338,469 2,220,000
Grand total	

This showed a total, not including reductions on international traffic, of \$8,338,469, and, of this amount, \$5,354,139 was the estimated reduction on grain. Taking this from the total reduction leaves a balance of \$2,984,330 to be distributed among the other commodities. By the legislation hereinbefore referred to granting the Crowsnest Pass rates on grain as therein provided, according to the evidence of Mr. Beatty, as recorded on page 46 of the Reports of the Special Committee, assuming the grain traffic of the Canadian Pacific Railway to be the same as in 1921, the adoption of the Crowsnest rates would reduce their revenue by \$7,159,537, which taken from the sum of \$8,338,469 would leave \$1,178,932 still available for reduction in rates on the above list of basic commodities, and the Board, after very careful investigation, has concluded that this would be represented by a reduction of  $7\frac{1}{2}$  per cent on the rates now in existence on these basic commodities less than the increases authorized by General Order No. 308, not, however, including therein any reductions heretofore made upon any of the said commodities upon domestic rates in Canada. This would leave increases on these commodities above the basis of September, 1920, at 121 per cent in Western Canada and 171 per cent in Eastern Canada.

This reduction of  $7\frac{1}{2}$  per cent, however, should not apply to coal other than anthracite, which was not increased on a percentage basis, but by flat rates as hereinbefore particularly described, and, therefore, it is felt that all the increases on coal other than anthracite granted by the Board by General Order No. 308 should cease and the rates go back to those immediately preceding the 13th day of September, 1920. This reduction, however, not to apply to coal from head of

lakes ports westbound.

These reductions in the revenues of the Canadian Pacific Railway together with reductions in international rates and those hereinafter provided for will amount to more than eleven million dollars per year, and, considering that the net revenue for that company for the first five months of 1922 shows a falling-off of \$2,393.000 as compared with the same months for 1921, the Board does not feel justified in going further in the direction of rate reductions.

The Canadian Pacific Railway figures are given above as this company is taken as the standard in rate discussions. An examination, however, of the Canadian National figures, while showing some improvements over 1921, shows a deficit in operating alone for the first four months of 1922 of \$6,945,000, the

only bright spot in the whole situation being the Grand Trunk, which shows a gain of \$2,591,000 for the first five months of 1922 as compared with the like period of 1921.

## MARITIME PROVINCES

With regard to rates between Maritime Province points and stations west of Montreal, the earliest record is from a traiff published by the Grand Trunk in 1874, naming rates from territory west of Montreal to St. John and Halifax, which applied only via Portland and steamer, and were exclusive of marine insurance. From Toronto, the rates in this tariff were:—

То	1	Classes 2 Cents per	3 100 lbs.	4
St. John, N.B. S. W. Halifax, N.S. S. W. S—Summer rate. W—Winter rate.	100	84	67	50
	106	89	71	51
	100	84	67	50
	110	93	74	55

These rates are simply given as a matter of historical information, and, of course, play no part in the question as at that time the all-rail route via Riviere du-Loup was not in existence.

Following the opening of the all-rail route, the rates between Maritime Province points and territory west of Montreal were constructed by the addition to the Montreal rate of a scale of arbitraries. The earliest record is a tarff of 1891-94, showing the following rates:—

		Clas	ses 5	Arbit over M 1	rary Iontreal 5
Towards	76. ( )			-	
" " " " " " " " " " " " " " " " " " "	Montreal. St. John. Halifax.	80c.	25c. 40c. 43c.	30c. 36c.	15c. 18c.

The record is not clear between 1894 and 1900 because the organization of this Board was only completed in 1904, and all tariffs then in effect were filed by the railways in that year. However, from 1900 to 1916, the arbitraries over Montreal were:—

PTT		Clas	sses
10		1	5
G. 7 .			
St. John		20c.	10c.
Halifax	• • • • • • • • • • • • • • • • • • • •	22c	110

These arbitraries were, of course, advanced along with all other rates, arbitraries, or proportionals under the various subsequent rate changes, and the situation is shown in the following tabulation:—

<u> </u>						
		Arbitrarie John	s over Mont	er Montreal Halifax		
	C1a,	sses	Clas	ses		
	1	5	1	5		
		-		-		
1891-1894	30	15	36	18		
1900-1916	20	10	22	11		
Dec. 1, 1916	24	12	26	13		
Mar. 15, 1918	$27\frac{1}{2}$	14	30	15		
Aug. 12, 1918	34	171	371	19		
Sept. 13, 1920	$47\frac{1}{2}$	$24\frac{1}{2}$	$52\frac{7}{3}$	27		
Jan. 1, 1921	$45\frac{1}{2}$	$23\frac{1}{2}$	50⅓	253		
Dec. 1, 1921	$42\frac{1}{2}$	$21\frac{1}{2}$	47	$23\frac{3}{2}$		

The Toronto-St. John rate provides the key to the entire situation so far as relates to the freight rate structure between Maritime Province points and Ontario territory, as the rates to and from the other Ontario groups are related

to the Toronto rate, as fixed by the Board in the International Rates Order, and at the other end St. John is the pivotal point, the other groups bearing a fixed relation thereto. This system of rate making between the territories in question was in effect long before the creation of the Board and has since been carefully considered, particularly in the Eastern Rates Case in 1916, more extended reference to which is contained in the judgment in that case; it is an integral part of the whole class rate structure in Eastern Canada and could not be changed without involving disturbance of the entire rate fabric in this territory. As the class rate structure in Eastern Canada is not being disturbed at this time no change should be made in these arbitraries.

With reference to rates between Eastern Canada and points west of Fort William, a different situation is found to exist. Instead of territorial groupings in Ontario, as in the case of the rates between Ontario and the Maritime Provinces, the rates are blanketed to and from the whole territory Montreal to Windsor and Sarnia, inclusive, Sudbury to Niagara Falls, all intermediate points and all lateral lines. The reason is apparent—the water lines operate from Montreal, calling at intermediate points to Sarnia, at a common rate to the head of the lakes, while the westernmost points, such as Sarnia and Windsor, can reach St. Paul and thence western Canadian points with a short mileage via Chicago. From and to points east of Montreal it has been the practice to add an arbitrary to the Montreal rate. Montreal, through its geographical situation at the head of ocean navigation, and as the terminal of the western river and lake routes, is a natural breaking point. This group with its blanket rate takes in a large area-Montreal to Windsor, 555 miles-Montreal to Sudbury, 444 miles-Niagara Falls to Sudbury, 337 miles-Windsor to Sudbury, 480 miles. The distance from Montreal, the most easterly point, to Fort William, the head of lake navigation and the rate breaking terminal between Eastern and Western Canada, is 997 miles. From Windsor, the most westerly point, the distance is 1,032 miles. While, of course, the blanket rate covering this territory is justified by the governing conditions outline, points east of Montreal are put to an undue disadvantage in comparison by the addition to the Montreal rate of a scale of arbitraries that does not indicate an equitable continuation of a long haul rate.

Take, for instance, St. John, N.B., to Toronto, Ontario, a distance of 810 miles, split up St. John, N.B., to Montreal, 466 miles, and Montreal to Toronto 334 miles (C.P.R.), rate St. John to Toronto \$1.25\frac{1}{2}\$ first class. Montreal to Toronto, 83 cents, difference east of Montreal 42\frac{1}{2}\$ cents per 100 pounds. Rate Montreal to Winnipeg, 1,417 miles, \$2.67\frac{1}{2}\$, first class, rate St. John to Winnipeg, 1,885 miles, \$3.08\frac{1}{2}\$, difference east of Montreal 41 cents. In other words, the difference over Montreal for the long haul to Winnipeg is practically the same for a haul of 1,885 miles as for a haul of 810 miles. This does not indicate the tapering of a through rate that a long haul justifies and is due

to the application of a system of rate arbitraries.

The rate from Montreal to Winnipeg is made up on an arbitrary from Montreal to Fort William of \$1,39½, first class, plus the regular first-class rate from Fort William to Winnipeg of \$1.28. The regular first-class rate Montreal to Fort William is \$1.99½. This shows that effect has been given to the tapering process on a long haul by the addition of a reduced rate arbitrary east of Fort William to the full rate beyond. This process should not stop at Montreal. The first-class arbitrary Montreal to Fort William of \$1.39½ for 997 miles is represented on the Eastern Schedule A mileage scale by a distance 450 to 475 miles, \$1.40, first class, or in other words, by a constructive mileage roughly equivalent to one-half the actual distance. The differences over Montreal should be blanketed by natural division, i.e., one group Montreal to Megantic,

Que., a second, Megantic to St. John, N.B., and the differences should not exceed those that would exist under Schedule A were the actual mileage east and south of Montreal treated in the same manner as that between Montreal and Fort William, thus the Megantic group would be 12 cents per 100 pounds, first class, and 6 cents fifth class, over the Montreal arbitrary of \$1.39\frac{1}{2}, while St. John would be 24 cents first class, and 12 cents fifth class, and Halifax 28 cents first class, and 14 cents fifth class, and other maritime groupings proportionately.

While this Board has no jurisdiction over the Intercolonial and Transcontinental railways, yet, if this principle were adopted on those roads, then, as Quebec, a distance of 1.352 miles from Winnipeg via the Transcontinental railway, takes the Montreal rate of \$2.67%, first class, Moneton would naturally take the same arbitrary (as it is to-day) over Quebec rates as St. John, N.B.,

takes over Montreal rates.

The St. John gateway provides via Canadian Pacific railway the short mileage to Montreal; from Halifax and other points this route and gateway should be maintained to shippers (with the option of Ste. Rosalie) so that the advantage of the short constructive mileage of the Canadian Pacific railway will continue to function as a rate factor.

These arbitraries over Montreal, first class, should be scaled down on the usual relation between classes 1 to 10, and where commodity rates are published will apply as maxima over Montreal at the class of the commodity so treated.

## APPLICATION OF SAULT STE. MARIE BOARD OF TRADE

Schedule A was established as a result of the International Rate Case. Application was made at the recent hearings, on behalf of the Sault Ste. Marie Board of Trade, asking that the northwestern boundary of the territory in which Schedule A applied should be extended to include the Soo branch to the city of Sault Stc. Marie. The representative of the Board of Trade stated that he understood that the limits were Parry Sound and North Bay.

In the discussion which took place, it was understood that while North Bay had been provided for in the original order, the territory had been extended to cover Sudbury. It appears from checking the rates that an error crept in and that Sudbury is not enjoying the full advantage of the Schedule A rates.

The Schedule A rates equalized certain conditions of water competition and American rail competition. Sault Ste. Marie, which is making the application. is a water competitive point. It appears from checking the rates that both Sudbury and Sault Ste. Marie have to a modified extent been given the advantage of the Schedule A rates. What has been done has been to give the advantage of the Schedule A rates to North Bay. This is something available under the tariff. Then for the mileage beyond North Bay to Sudbury and to Sault Ste. Marie there has been given an arbitrary rate for the additional mileage, which is less than the full Schedule A rates would be for the same mileage: that is to say, what is done is not to give Schedule A rates on the through mileage but Schedule A rates on the mileage to North Bay and less than Schedule A rates on the mileage beyond.

As already stated, the reduction is arbitrary. The tariffs do not disclose

any exact percentage reduction.

On consideration of the evidence submitted by the applicant and in view of the fact that the Schedule A territory has been extended to cover Sault Ste. Marie in the way above indicated, it would appear to be justifiable to make provision for Schedule A rates applying as requested, but basing this on the through mileage.

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A similar adjustment should be made to Sudbury.

Such additional mileage on the Schedule A scale as is necessary to cover the extension should be provided for.

#### MOUNTAIN RATES—BRITISH COLUMBIA

The Judgment in the Western Rate Case set out that initial construction and railway operations through the mountains were much more expensive than operation on the prairies. It was set out that "some differences in rates at the present time are not only justifiable but necessary. It is not contended, on behalf of British Columbia, that operation through the mountains is not much more expensive." The judgment held that these higher costs could not be "smeared" over the system so that British Columbia would have the same rates as those applying to the Prairie Provinces.

In the present application, various additional contentions were advanced. Emphasis was laid upon the implications alleged to arise from the steps culmin-

ating in Confederation.

What is involved in this is somewhat analogous to what was involved in Attorney-General for British Columbia vs. Can. Pac. Ry. Co., 8 Can. Ry. Cas. 346, in which it was held that under the terms of the contract with the Dominion Government for the construction of the Canadian Pacific Railway, dated October 21, 1880, Schedule to 44 Victoria, Chapter 1, the only party who could make any complaint as to their non-observance was the Government of Canada.

Reference was also made to the alleged better climatic conditions existing in British Columbia as affects operating; and there was also set out the conditions which it was contended should be considered as a result of the construction of the Canadian Northern Pacific.

It does not appear necessary to develop the question as to what implications, if any, are to be deduced from the finding regarding the Canadian National, as set out in the Privy Council Order following the appeal from the Board's decision in the so-called "Forty Per Cent Case." It would appear that the opinion of the late Chief Commissioner Mabee, which was quoted with approval in the Western Rate Case by the then Chief Commissioner, Sir Henry Drayton, is applicable here. The opinion in question is: "The question for us to decide is what rates are fair irrespective of how much any company is worth or is not worth."

In view of what is said herein as to the controlling effect of water and United States rail competition in the portion of Canada east of the Great Lakes, the rates there existing cannot be taken as the necessary proper measure of

what the British Columbia rate should be.

Under the Western Rate Case, a basis of 1½ for 1 was adopted on the Pacific standard tariff. This, with the appropriate mileage grouping in the tariffs applicable, worked out on the average 30 per cent over the Prairie standard. From 80 to 85 per cent of the British Columbia traffic is carried on commodity rates. In so far as these commodity rates are based on percentages of the standard rates, the effects of the standard rate adjustments are carried down, although in much less degree. In the movement on commodity rates of the staples of British Columbia the effect of the Mountain scale is in many cases not apparent.

It is admitted by counsel for the province of British Columbia that the costs are still higher on the British Columbia division than on the Prairie divisions. He refers, however, to costs east of the Great Lakes as supporting

his contentions. As set out herein, it does not appear that deductions from the experience of other sections whose rates are dominated by water and United States railway competition can be controlling here.

Following the reasoning of the Western Rate Case, a revision in the Mountain scale as provided for in the Pacific standard is justifiable. On careful consideration, the reduction hereinafter provided for should be made;

the Board does not feel justified in going any further.

The rates of the new "Pacific" standard mileage tariff are to be constructed by applying to the "Prairie" standard tariff for distances up to and including 750 miles (the approximate maximum haul in British Columbia) 11 miles for 1 mile, and to the rates so produced the 25-mile differences of the "Prairie" standard scale to be added for each 25 miles over 750 miles, so as to produce standard through rates for part Mountain and part Prairie hauls.

The distributing rates from recognized mainland distributing centres in British Columbia other than Vancouver and New Westminster, as well as the tariff between Vancouver and New Westminster and points east thereof, will be constructed from the new standard tariff in the same manner as at present, as prescribed in General Order No. 125, May 30, 1914, and Order No. 31648

of October 11, 1921, respectively.

All commodity mileage rates applying locally between stations in Pacific territory, also on interchange traffic between Pacific and Prairie territory, to be reduced so as to preserve the same relationship to the new standard mileage scale as they now bear to the present scale, such rates, of course, to be the maxima with regard to special commodity rates specifically published.

Rates on grain and grain products from "Prairie" points to stations in British Columbia, for domestic consumption, where now based on "Prairie" mileage scale, but using constructive mileage of 15 miles for 1 mile for the mountain haul, to be reduced by figuring on  $1\frac{1}{4}$  miles for 1 mile for the mountain

haul.

#### LUMBER RATES

As the rates on lumber and forest products, including pulpwood, logs, poles, posts, etc., are to be reduced by 71 per cent as hereinbefore described, it will be unnecessary to further consider the application of the Canadian Lumbermen's Association.

#### EXCESS BAGGAGE

By General Order No. 308, passenger fares were increased by 20 per cent up to and including the 31st day of December, 1920, and by 10 per cent from that date until the 1st day of July, 1921, when the passenger rates reverted to the standard of 3.45 cents per mile, and, by the same order, the rates on excess baggage were increased by 20 per cent. As the rates on excess baggage are built upon a percentage of the passenger fares, it is only logical that, when the passenger fares are reduced, excess baggage should bear the same reduction. and, therefore, it is considered that the rates on excess baggage should go back to the basis prior to September 13, 1920.

## EQUALIZATION BETWEEN THE PRAIRIE PROVINCES AND EASTERN CANADA

In the reference to the Board by the Governor in Council in the appeal in . the so-called "Forty Per Cent Case," the Board's attention was directed to the advisability of conducting an investigation to see to what extent existing disparities of rates between different rate sections could be redressed. The reference

was not based on the idea that the disparities were wrong per se. Under the Railway Act, not all discriminations or preferences are forbidden. As was developed with a plentitude of example, in the Western Rate Case, what is forbidden under the discrimination sections are preferences which are undue or discriminations which are unjust. The burden, therefore, was on the Board in the investigations made to ascertain whether under existing conditions the discriminations in rates existing were discriminations which fell under the inhibitions of the Railway Act.

Counsel for the Provinces of Manitoba and Saskatchewan very frankly and fairly stated, "... I have never at any time said otherwise than that I did not think that of necessity the rate for the same distance for the same commodity should necessarily be the same East as West or West as East. In my opinion, the equal treatment of unequal things is just as bad as the unequal treatment of equal things, I have never advanced, either in argument before this Board or before any other tribunal, or by evidence adduced, anything which would lend itself to the suggestion that I have advocated that any particular rate must of necessity be the same for any particular distance East as West. There are many other factors besides mere distance." Counsel continued that longer hauls were important in the West; shorter hauls in the East.

Counsel in thus defining the issue emphasized that conditions peculiar to each of the rate areas compared must be given weight in determing whether the low rate existing for a given distance in one section is to be taken as the criterion of discrimination in another. In so presenting the matter, he was but following the position so clearly laid down by the late Chief Commissioner Killam in the early decisions of the Board, namely, that mere mileage comparisons do not afford criteria of discrimination, but that all facts material must be given weight. In other words, under the body of regulation which is developed under the Railway Act, mileage is not a rigid yardstick of discrimination; discrimination, in the sense in which it is forbidden by the Railway Act, is a matter of fact to be determined by the Board.

In the course of argument, counsel for the provinces of Manitoba and Saskatchewan emphasized the position that under his view of existing conditions there should be a reduction in grain rates, and, thereafter, there should be reductions on basic commodities, e.g., cattle, lumber, coal and the instruments of production such as agricultural implements.

A further submission was made that articles in Classes 5 to 10, not now covered by commodity rates, should be afforded a reduction. This practically means narrowing down to Classes 5 and 7, as Class 9, which is concerned with cattle, is unimportant from a rate standpoint, cattle moving on a commodity rate. Coal, lumber, and grain also move on commodity rates.

As already pointed out, a reduction, under statute, has been made in the rates on grain and flour. Through the Board's instrumentality, a reduction on cattle was made. The articles of lumber and coal are dealt with specifically in

the present judgment.

Reference has been made to the greater earning power of Western lines, it being contended there is a greater earning power both gross and net. At the same time, the larger mileage in the West, specific reference being made to the

Canadian Pacific mileage, may be noted.

The fundamental matter, however, in he present application, so far as the position of Manitoba and Saskatchewan is concerned, is in terms of the reference to the Board by the Governor in Council, to ascertain whether there is an unjustifiable discrimination existing as between the rates applicable in the provinces of Manitoba and Saskatchewan and the rates applicable east of the Lakes.

Alberta was not represented by counsel; but what may be found in regard to the justification or otherwise of the difference between rates in Manitoba and Saskatchewan as compared with the section cast of the Lakes will have application to the situation in Alberta as well. While it is set out, as above, that Alberta was not represented by counsel, it may be said that counsel for the province of British Columbia dealt with certain phases of the situation concerned in his application as if the interests of Alberta and British Columbia were more or less identical. At the same time, it is not set out in the record by any submission from the province of Alberta that counsel for British Columbia was representing Alberta.

In dealing with the situation as between Manitoba and Saskatchewan on the one hand and the section east of the Lakes on the other, the very fair and candid statement made by counsel for the provinces of Manitoba and Sackatchewan, which was in substance that mileage is not the fundamental criterion of discrimination, must be given weight. It is necessary to look to the particular

facts affecting the rate adjustments in the particular sections.

The Western Rates judgment, in dealing with the establishment of special class rates from Lake Superior and Pacific Coast termini, stated, inter alia, that as to lake termini between Port Arthur, Fort William and Westfort and points west thereof, there should apply to and from points east of Winnipeg the Prairie territory town tariff basis, subject to the rates to Winnipeg and St. Boniface as maximum; that to and from Winnipeg and St. Boniface the rates should be no greater than those of the Prairie standard tariff for 290 miles; that to and from points beyond Winnipeg within Prairie territory the maximum first-class rates were to be those of the Prairie standard tariff for the through-mileage, made up of actual distance beyond Winnipeg added to the above-mentioned assumed mileage of 290 miles east of Winnipeg.

The Judgment in the Western Rates Case sets out how this constructive mileage of 290 miles east of Winnipeg on the movement from the lake termini was arrived at. The essence of the arrangement is that the mileage from the Lake to Winnipeg being 424 miles, there is a concession of 134 miles on the movement concerned. This was built up on rate conditions which had developed in the West. There is not the same arrangement existing on a movement

from the East to Fort William.

Here, again, the particular facts of the section in which the rate adjustment is made must be considered, and it does not follow that the arrangement herein referred to would be a criterion of discrimination in connection with a

complaint as to a different rate adjustment east of the Lakes.

Having in mind the special conditions of the territory west of the Lakes, a special rate adjustment has been made on the very important commodity of agricultural implements. In the shipment of these from points in Eastern Canada, e.g., Hamilton to Montreal, inclusive, the rate to western points is on the Chicago basis, that is, the rate from Chicago to said points applies. view of the system whereby the rates east of Montreal are built up on differences over that point the effect of this rate reduction is carried further east in so far as originating points shipping to the Prairie Provinces are concerned. This again, is based upon special traffic conditions, and would not necessarily afford a criterion of unjust discrimination in respect of a different treatment in the East in regard to similar mileages concerned.

In the presentation of counsel for the provinces of Manitoba and Saskatchewan, reference was made to the difference in classification basis. In the East, the 5th-class rate is one-half of 1st. In the West, the 4th-class rate is onehalf of 1st. Reference was made to this as showing, inter alia, a considerable

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difference as affecting the important 5th class; and since the distributing rates are built up by taking a percentage off, it was contended that this difference was carried down into the distributing rates.

In general, the apparent conclusion counsel had in mind was that the Board

should construct a basis of its own.

As especial reference was made to the 5th class, some comments in this connection are necessary. In Eastern Canada, the 5th class is 50 per cent below the 1st; in Western Canada it is 55 per cent. It may be remarked in passing that in Eastern Canada the 4th class is 37½ per cent below the 1st-class rate, while in Western Canada it is 50 per cent below the 1st-class rate. Putting it in another way, if the 5th-class rate is taken and scaling is made up to the 1st, then in Eastern Canada the 4th-class rate is 25 per cent above the 5th-class rate, while in Western Canada it is 10 per cent above the 5th-class rate.

It was suggested by counsel that the Board should construct a standard of its own, taking the foundation of the Western American Classification.

If the Western scale were constructed with the relationship between the classes in conformity with the Eastern scale, starting with the 1st-class rating in the Western scale and scaling down the other classes under the Eastern plan, this would result in a large increase in the rates for all classes below the 1st.

If one-half of the 1st class in the West were taken and put in the position of one-half of the 1st class in the East, this would mean taking the present Western 4th class, which is one-half of 1st, and putting it in the position of the Eastern 5th class, which is one-half of 1st, and then scaling the other classes on the Eastern plan, the result of this would be to produce the same

result as the other method just mentioned.

The question of the standardization of the Western rate scales is dealt with in the judgment of the Western Rates Case, in section 19, under the heading of "Standardization." Reference may be made to this as bearing on the history of the development. The citation set out in the judgment, in the report of the Board's Chief Traffic Officer, the late Mr. Hardwell, emphasizes the advances which would take place if the Western rate scale were standardized on the Eastern Canada basis.

Bound up to the difference in classification basis is the difference in one of the fundamental rules of the Classification, namely, that concerned with the mixing privilege. As a result of a compromise arising out of the strong position taken by the Western jobbers, the more liberal mixing rule of the East is not applicable west of Fort William. West of Fort William, the mixing rule is limited by the trade list principle, and in general, favour is shown, judging from resolutions filed with this Board by representative trade bodies in the Prairie Provinces, to limiting the mixing rule, to articles normally moving in carload quantities. This, again, emphasizes a difference in traffic conditions as between the East and the West.

At a meeting held in Winnipeg on April 26, 1921, at which there were present representatives of the Boards of Trade of Brandon, Calgary, Edmonton, Lethbridge, Montreal, Moose Jaw, Regina, Toronto, Vancouver, Winnipeg and the Saskatoon Chamber of Commerce, as well as representatives of the Canadian Manufacturers' Association, there was under discussion the question of a change from the trade list principle in the Classification; and the following resolution was passed:—

1. It was decided that in the best interests of both Eastern and Western Canada rule 2 and the trade lists of the present Classification should be continued and substituted for proposed rule 10 of the Canadian Freight Classification No. 17.

2. It was also decided that a Classification Committee representing Western Boards of Trade or other business organizations and railways be named to consult with the present Eastern Classification Committee in

connection with the provisions of the new Classification.

3. It was further the opinion of the meeting that there should be no disturbance at the present time in the present class rate relationships now existing in Eastern and Western Canada as a result of the finding of the Board of Railway Commissioners in the inquiries conducted in the Eastern and Western Rate Cases and orders issued in relation thereto, and subsequent orders.

4. The chairman of this meeting was instructed to submit a copy of

this resolution to the Board of Railway Commissioners to-morrow.

It may be noted that the Saskatoon Chamber of Commerce dissented from paragraph 3, and the representative of the Vancouver Board of Trade stated he could not vote in favour of the resolution but would submit it to his Board

It thus appears on the records before the Board that in regard to classification arrangements there are differences of traffic interest between the Prairie Provinces and the territory east of the Great Lakes. It appears that commercial conditions in the West emphasize a preponderating movement of traffic in carlots and, consequently, any standardization which would effect an increase on the distinctly carload classes would bring about a serious dislocation of business. Here, again, the situation is that differing conditions have brought about different practices and rules, and the rule or practice existing in one section and giving a different treatment is not a necessary measure of discrimination in another section.

Counsel for the provinces of Manitoba and Saskatchewan stated that there was a difference in average hauls east and west, and while stating that in various cases the shorter hauls were at much lower rates in the West than in the East, ne contended that the important matter in the West was the long haul. It is a egitimate deduction from this to say that the level of the rate in the East being, according to counsel's submission, concerned with an average short haul, affords 10 necessary criterion of what the rate should be on longer haul traffic in the

It was testified by the Canadian Pacific Railway Company that its rates on puilding materials in the prairies were lower than in Eastern Canada, there aving been taken into consideration the necessities in connection with supplying helter.

The examples given are illustrative of the fact that differing commercial onditions have brought about differing traffic rates and arrangements, and imply attract attention to the position that it is not in the abstract rates but 1 the concrete conditions that the measure of determining whether the rate ructure is discriminatory or otherwise must be found.

In the Western Rate Judgment, after a very careful analysis of the rulings f the Board in the matter of discrimination and searching analysis of traffic unditions, the Board found that water competition, generally speaking, was fective in the East. It found that, in the main, the rate structure of Eastern anada was justified on the basis of water and rail competition; and the followg language was used:-

"For the reasons stated, I am of the opinion that while discrimination exists between the rates charged east and west of Port Arthur, the discrimination is justified under the Railway Act and the decisions of the Board already referred to. It is neither undue nor unjust."

e section 9 of the Judgment in question.

In the hearings before the Board in the present case, considerable attention was devoted to the matter of water competition in its bearing upon rates in Eastern Canada. Counsel for the provinces of Manitoba and Saskatchewan was disposed to minimize the importance of this water competition. It is true that on account of tonnage readjustments arising out of the war and the incidents thereof there have been fluctuations in the water-borne tonnage, yet this does not detract from the fact that from the ocean well into the middle of the continent there is a water highway on which vessels are free to go and come, not tied down to any particular route, and not involving the large fixed investments which are essential to railway transportation. It is also true that adjacent to this section of Canada are the rail lines of the United States which are equally subject to the effect of this water-borne traffic; and it does not appear that any vital change in this respect has taken place since the date of the decision in the Western Rate Case.

While as a consequence, naturally to be expected, from difference of conditions, many prairie rates have a spread over the eastern rates, the course of the decisions of the Board, including the present decision, has been to narow this

spread wherever possible.

The matter has been put in a succinct way in the evidence before the Special Committee appointed to consider railway transportation costs. Counsel who appeared before the Board for the provinces of Manitoba and Saskatchewan represented these provinces, as well as Alberta, before the committee. At page 300 of his evidence, in dealing with the different scales, he said:—

"First, there is the Eastern scale which, as I will develop later, is held down by maximums created by water competition, potential and otherwise, and by American rail competition."

Again, at page 301, in summarizing the provisions of the Railway Act in regard to discrimination, he used the following language:—

"The railways, when we replied that we were discriminated against in respect of Eastern rates, answered, and the Board has held it to be a good answer. True, there is a disparity, a discrimination, and I propose to give you the four or five decisions in all the rate cases to that effect, that there is discrimination, a disparity against us, but the railways have satisfied the onus of showing that it is not unjust or undue, because railway rates in the east are held down by water competition and American rail competition, something they cannot control, and therefore that excuses that discrimination."

The Board holds that the difference in rates as between the Prairie Provinces and Eastern Canada as referred to do not constitute an unjust discrimination or undue preference.

#### Conclusions

All steam railways in Canada under the jurisdiction of this Board shall file tariffs, effective the first day of August next, providing for the following reduc-

tions, viz:--

(a) On the articles, other than grain and flour, hereinbefore referred to as basic commodities, namely,—forest products, building material, brick, cement, lime, and plaster, potatoes, fertilizers (other than chemicals), ores, pig-iron, blooms, billets, wire rods, and scrap iron, a decrease of 7½ per cent from the increase given by General Order No. 308 and any otler orders affecting the said commodities issued since that date, which will hereafter leave the increase granted by said General Order No. 308, in Western Canada, at 12½ per cent and,

in Eastern Canada, at 17½ per cent; the term "forest products" as set out in such

list is to be defined as follows:-

In the territory east of Port Arthur, Ontario, in accordance with the list of commodities shown in C.P.R. tariff C.R.C. No. E-3818 as taking rate basis " A"; in the tariffs from British Columbia to prairie points on the commodities taking Group A and Group B rates, as shown in C.P.R. tariff C.R.C. No. W-2573; and from stations in Alberta and British Columbia to stations in Eastern Canada, in accordance with the Canadian Freight Association tariff C.R.C. No. 30; also on pulpwood west of Port Arthur, Ontario.

In cases where reductions heretofore granted or ordered upon these commodities have not amounted to 7½ per cent as above described, they shall be reduced to that point, and where they exceed 72 per cent, they will remain as they are at

present.

These reductions are made upon the same basis in both Eastern and Western Canada with the object of preserving the same spread between these territories as was provided by General Order No. 308.

(b) On coal, other than anthracite and coal from the head of the lakes west-

ward, all increases provided for by General Order No. 308 to be rescinded;

(c) On commodities moving under class and commodity rates between points east of Montreal and points west of Port Arthur and Fort William, the establishment of arbitraries as provided for herein;

(d) On the territory between North Bay and Sault Ste. Marie, Schedule A

rates to be applied;

(e) Mountain rates to be reduced to the basis provided for herein; and

(f) The increase in excess baggage rates, as provided for in General Order No. 308, to be eliminated.

With the above exceptions, all tariffs now in effect, either under the provisions of General Order No. 308, as amended by General Order No. 350, or as the result of voluntary action by the carriers, shall remain in force.

## GENERAL ORDER No. 366

In the matter of freight tolls—1922

File Nos. 30531, 30685, 30686, and 30686.2 FRIDAY, the 30th day of June, A.D. 1922.

Hon. F. B. Carvell, K.C., Chief Commissioner. S. J. McLean, Assistant Chief Commissioner.

A. C. Boyce, K.C., Commissioner.

J. G. RUTHERFORD, C.M.G., Commissioner.

C. LAWRENCE, Commissioner.

Upon hearing the matter at the sittings of the Board held in Vancouver. April 7 and October 17, 18, 19, and 20; Victoria, April 11; Kamloops, October 26; Nelson, April 15 and October 29; Calgary, April 18 and October 31; Edmonton. April 20 and November 2; Saskatoon, April 21 and November 3; Regina, April 22 and November 4; Brandon, April 23; and Winnipeg, April 25 and November 8 respectively, 1921; and in Halitax, January 17; St. John, January 19; and Ottawa, February 15, 16, 17, 20, 21, and 22, and March 13 to 30, respectively. 1922 - in the presence of counsel for and representatives of the provinces of Nova Scotia, New Brunswick, Manitoba, Saskatchewan, and British Columbia, the Maritime Board of Trade, the Boards of Trade of Halifax, Montreal, Toronto, Sault Ste. Marie, Winnipeg, Calgary, Nelson, Lethbridge, Edmonton, the Cana-

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dian Manufacturers' Association, the Railway Association of Canada, Canadian Lumbermen's Association, Limited, Canadian Retail Coal Dealers' Association, Dominion Millers' Association, United Farmers of Manitoba, United Farmers of Alberta. United Grain Growers, Saskatchewan Grain Growers' Association. Wholesalers' Association of Calgary, Western Canada Live Stock Union, Canadian Aberdeen-Angus Association, Amherst Foundry, J. W. Cunningham Company, Stetson Cutler & Company, Saskatchewan Co-operative Elevator Company, W. Malcolm McKay, Limited, Northern Foundry and Machine Company, the Canadian Pacific and Grand Trunk Railway Companies, and the Canadian National Railways, and what was alleged at the hearings—judgment, dated June 30, 1922, was delivered by the Board, a certified copy of the said judgment being attached hereto marked "A",—

The Board orders: That all railway companies operating steam railways, subject to the jurisdiction of the Board, be, and they are hereby, required forthwith to file tariffs giving effect to the rates prescribed and authorized by the said judgment, which is hereby made part of this order; the effective date of the said

rates to be August 1, 1922.

F. B. CARVELL, Chief Commissioner.

#### IN re AVENUE ROAD SUBWAY, TORONTO, C.P.R.

Judgment of Chief Commissioner, August 30, 1922, assented to by Assistant Chief Commissioner in separate Judgment, September 8, 1922, concurred in by Commissioner Boyce and by Commissioner Rutherford in part by separate Judgment October 3, 1922.

This case arises out of the North Toronto Grade Separation, carried on some years ago under orders of this Board. Most of the matters were settled by agreement, and, finally, on the 26th day of December, 1919, by Order No. 29160, the Board ordered that the Toronto Street Railway Company pay to the Canadian Pacific Railway Company the sum of \$13,807.01, with interest until paid, and reserved that portion of the account headed "Land and damages" for settlement between the parties, or, in the event of their failure, for further order of the Board.

As they failed to agree among themselves, the Board instructed Mr. George A. Mountain, its Chief Engineer, to investigate and report, and, after several conferences with representatives of the interested parties, he did so on the 11th day of March, 1922, as follows:—

"March 11, 1922.

"A. D. Cartwright, Esq.,
"Secretary, B.R.C.,
"Ottawa, Ont.

"DEAR SIR,—

File 12021.70, North Toronto Grade Separation. Land damages at Arenue Road between Canadian Pacific Railway and Toronto Railway Company.

"This matter was referred to me after I had settled with the parties the question of the cost of the subway in so far as the construction was concerned. Then the matter was to be further taken up as regards land damages. The last meeting was held in Toronto on March 4, 1922. Mr. C. H. Rust represented the Toronto Railway Company and Col. R. Ripley, the Canadian Pacific Railway. We thoroughly discussed all the items in dispute and I beg to make the following report:—

"I will take the items in order as shown on the statement submitted by the Canadian Pacific Railway.

the Canadian Pacine Railway.	
"1st. Purchase of houses Nos. 216 and 218 required for diversion of Marlborough Place "This was necessitated by reason of the construction of the subway and I consider it fair and reasonable.	\$16,287 00
"2nd. Blake and Redden, London, England, Costs re opposing Toronto Railway Co. Appeal "This was in connection with some legal matters and Mr. Flintoft agreed not to ask me to report on it, as he would arrange a settlement of it with Mr. McCarthy.	407 86
"3rd. H. H. Williams services negotiating redamages"  "I consider this item fair and just."	200 00
"4th. H. H. Williams' services negotiating redamages"  "I consider this fair and just."	200 00
5th. Damages sustained re Canadian Pacific Railway houses on Avenue Road at northwest corner Avenue Road and MacPherson Avenue	5,962 50

"This is in connection with a row of houses which were no doubt damaged by reason of the approach ramp cutting down the highway in front of it. The Canadian Pacific Railway, acting for the parties in the construction of this North Toronto Grade Separation, decided to buy the whole of these houses so as to eliminate the damage. They held them for a considerable time and Mr. Ripley advised me that they have since sold them all but one, I think. Mr. Ripley advised me that they have suffered no loss in this connection. Therefore, in my opinion, I do not think that there should be any damages assessable in this case. There was no money changed hands and it does not appear to me to warrant any charge against the subway. I am, therefore, cutting out this item entirely.

"6th. Additional strip of land required for two track subway, 16,000 sq. ft. at 90 cents..... \$14,400 00

"The Canadian Pacific Railway were required to build a two track subway and they were permitted, on the north side, to use a strip 15 or 20 feet for a slope, or in lieu thereof, a retaining wall. Before the work was started, the Canadian National Railway came to an agreement with the Canadian Pacific Railway and decided to build a four-track subway. Therefore, the land required for the slope was covered by the Canadian National Railway tracks. In other words, the embankment of the Canadian National Railway track passed entirely north of the embankment of the Canadian Pacific Railway and climinated the necessity of either building a retaining wall or using land for the Canadian Pacific Railway slopes. Therefore, there was no purchase made. No money changed hands and I cannot see that this charge, which is purely hypothetical, should be laid against the cost of the subway, but there is an item of \$3,075, included in the amount of \$14,400, for a triangular piece of land which I think, in all fairness to the Canadian Pacific Railway,

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they should be allowed. It is on Lot 79, at the southwest corner of

Avenue Road and MacPherson Avenue.

"To sum up. I think the items shown below and dealt with singly in this report are fair and just and should be a charge to land damages caused by grade separation of the Avenue Road Subway.

"Item No. 1—Purchase of houses required for diversion
of Marlborough Place
"Item No. 3—H. II. Williams services negotiating re
damages
"Item No. 4—H. H. Williams services negotiating re
damages
"Item No. 6—Triangular piece of land on Lot 79 south-
west corner of Avenue Road and MacPherson
Avenue

"Of these items, 10 per cent is chargeable to the Toronto Railway Company under the Order. Interest should be added from the date of purchase to the present time, as it is over a period of 10 years. I presume that the rate of interest might vary, but that could be figured out by both parties.

"I would suggest that a copy of my report be sent to each party for

any comments they wish to make thereon.

"Yours truly,

"GEO. A. MOUNTAIN,
"Chief Engineer."

A copy of this was sent to the Canadian Pacific Railway Company and the Toronto Street Railway Company, but, as the former declined to accept the report, the matter came before the Board for a hearing on the 5th day of May last, at which the Canadian Pacific Railway Company and the Toronto Street Railway Company were represented by counsel, and at which the city of Toronto failed to appear, stating in a letter to the Board, dated the 2nd day of May, 1922, that its interests were identical with the C.P.R. and that it was not a party to the exceptions taken by the Toronto Railway Company and had no objection to urge the adjustment determined by Colonel Ripley.

There was no objection to the following items:-

Item No. 2.—At the hearing it was evidenced that some portion of this had been paid by way of taxed costs, and I did not think the Canadian Pacific Railway Company were pressing very hard for its inclusion.

Two important items, however, were discussed, upon which this Board

must make a decision. These were:-

two track subway, 16,000 sq. ft., at 90c ...14,400 00

In Mr. Mountain's report he stated that he had been advised by Mr. Ripley that they had sold all these houses but one and that they had suffered no loss in this connection, and, therefore, Mr. Mountain decided it should not be included in the amount chargeable in part to the Toronto Street Railway Company. At the hearing, Mr. Ripley admitted that he had made practically the same statement to Mr. Mountain as appears in the report, but, on further investigation, found he was in error, and the Canadian Pacific Railway filed a statement as follows:—

# FINANCIAL STATEMENT ON C.P.R. HOUSES, AVENUE ROAD, CORNER AVENUE ROAD AND MACPHERSON AVENUE

Purchase price in 1910.  Purchase expense $2\frac{1}{2}$ per cent.  Interest to 1919—9 years at 5 per cent.  Taxes paid on above property.  Sales expense 2 per cent on \$22,700—see below.  Insurance \$52.50 for 9 years.  Repairs 1 per cent per year—9 years on \$30,510.	\$35,150 0 878 7 15,817 5 6,091 1 454 0 472 5 2,745 9	5 0 3 0 0	
Sold five houses in 1919 for  Value 2 houses left over (1919 values).  Credit for No. 260 which would have remained.  Rents received	22,700 0 8,500 0 4,640 0 19,522 9	- \$61,609 7 0 0 0	
Loss on properties		\$ 6.246 8	32

Bill showed \$5,962.50 in November, 1919.

On further investigation, Mr. Mountain reported to the Board that, at a conference between Colonel Ripley, Mr. Rust, and himself, on the 23rd of June last, they went over these items again, and it was agreed that Item No. 5. \$5.962.50 should be allowed, but they did not agree as to the question of interest upon this amount, and, therefore, this item should be allowed in making up the total paid by the Canadian Pacific Railway for land damages.

This brings me to the important question in dispute between the parties, viz., item No. 6, being the 16,000 square feet of land required for a two track subway, amounting to \$14,400. It is agreed by all parties that, if payment for this strip of land is to be a land in the land in the land is to be a land in the land in the land in the land is to be a land in the land in the land in the land in the land is to be a land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in the land in

this strip of land is to be allowed, then the figures are correct.

I find that the work was authorized by Order No. 22855, dated the 12th day of November, 1914, which is as follows:—

#### ORDER NO. 22855

"THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA"

In the matter of the apportionment of the cost of the grade separation work at North Toronto (exclusive of Yonge Street).

File No. 12021.70

THURSDAY, the 12th day of November, A.D. 1914.

- "D'ARCY SCOTT, Assistant Chief Commissioner.
- "S. J. McLean, Commissioner.
- "A. S. Goodeve, Commissioner.

"Upon the hearing of the matter at the sittings of the Board held in Ottawa, May 5, 1914, in the presence of counsel for the city of Toronto, the Canadian Pacific Railway Company, and the Toronto Street Railway Company, and what was alleged—

"It is Ordered:

"1. That ten per cent of the cost of the separation of grades at Avenue Road, North Toronto, be borne and paid by the Toronto Street Railway Company.

"2. That twenty per cent of the cost of the subways at Davenport road, Spadina road, and Howland avenue (not exceeding \$5,000 in any

one case) be paid out of the 'Railway Grade Crossing Fund.'

"3. That after deducting the contribution from the Toronto Street Railway Company and the 'Railway Grade Crossing Fund' (leaving Yonge street out of consideration), twenty-five per cent of the remainder be borne and paid by the city of Toronto; the said contributions to be based upon the cost of the work necessary to elevate two tracks with thirteen-foot centres, on the Canadian Pacific Railway, as shown on the plan approved herein, and the construction of the necessary subways, together with and including the cost of making connections with and alterations to sidings in existence on the 26th day of May, 1912, in order to give proper access thereto; the city's contribution to be for all highways at which grade separation is effected, except Yonge street, from the east of Summerhill avenue to a point where the grade runs out west of Dovercourt road.

"4. That the remainder of the cost of the said work be borne and

paid by the Canadian Pacific Railway Company."

"D'ARCY SCOTT,
"Assistant Chief Commissioner,
"Board of Railway Commissioners for Canada."

The interpretation of section 3 of this order, in my judgment, is the whole matter to be decided.

At first, it was the intention to elevate the tracks of the Canadian Pacific Railway Company alone, and, later on, it was decided that the Canadian Northern Ontario Railway tracks should also be elevated and should run alongside of those of the Canadian Pacific Railway. After certain payments from the Railway Grade Crossing Fund, 10 per cent of the total cost was to be paid by the Toronto Street Railway Company, 25 per cent by the city of Toronto and the remainder by the Canadian Pacific Railway Company, "the said contributions to be based upon the cost of the work necessary to elevate two tracks with thirteen-foot centres on the Canadian Pacific Railway as shown on the plan approved herein, and the construction of the necessary subways, together with and including the cost of making connections and alterations to sidings in existence on the 26th day of May, 1912, in order to give proper access thereto."

As I construe this clause, the cost of this work is to be ascertained by the necessary cost of elevating two tracks with thirteen-foot centres on the Canadian Pacific Railway, and it seems to me that, in arriving at the cost with this statement as a basis, it is unimportant whether the two tracks were actually constructed by themselves or in conjunction with the Canadian Northern Railway Company. It is alleged, and I believe correctly, that the Canadian Pacific Railway did not actually purchase the land in question, because, instead of using it for their northern slope, their embankment was maintained by the construction of the Canadian Northern, and, therefore, Mr. Mountain feels that, as the land was not actually purchased, it should not be included in the cost.

I regret to say I am unable to agree with this contention. It was a method provided by the order of this Board for ascertaining the cost, and, once the quantities and prices are admitted, it seems to me there is no way of climinating

this item. It is unnecessary to go into the arguments advanced by the railway companies showing where large savings were made in the cost of the work by reason of the construction of the Canadian Northern road, all of which enured to the benefit of the Toronto Street Railway. The words in clause 3 of the order herein referred to provide the method by which the cost is to be ascertained, and, therefore, must be construed literally, and the \$14,400 should be included in the cost of the work.

I, therefore, find that the total cost of this work would be as follows:-

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Item	No :	)		 	 	 	 	 	 				\$16,287 200	00
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Item	No. 5	)	 										200	00
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As the question of interest was not settled by the parties, I think it should be allowed on items No. 1, No. 3, and No. 4, at the rate of 5 per cent per annum from the date of the order authorizing the work, viz., the 12th day of November, 1914, to date, which would amount to \$2,450. As to item No. 5, no agreement having been made and it being made up of a number of items and part of the property remaining unsold, I have allowed interest for two years at 5 per cent, amounting to \$596.25. As to item No. 6, as this was for land which was not actually purchased, I do not see that the railway company would be entitled to interest thereon, and, therefore, allow no interest on this item. This would make a total of \$37,049.50 for principal and \$3,046.25 for interest, or a total of \$40,095.75 as the amount due the Canadian Pacific Railway Company. Under the order, the Toronto Street Railway Company would pay 10 per cent thereof, amounting to \$4,009.57, and an order should issue accordingly. McLean, Assistant Chief Commissioner:

Under section 12, subsection 2, the point involved as to item No. 6 being a question of law, the opinion of the Chief Commissioner who presided prevails. At the same time, I may say that I have carefully examined the record of the hearing of the Board in connection with which after the hearing on May 5, 1914.

Order No. 22855 issued on November 12, 1914.

The record shows that there was specifically presented to the Board in argument by the Canadian Pacific Railway Company the proposition that the Board should, as to the distribution of cost—the situation as to the Canadian Northern Railway Company being covered by statutory obligation—direct its attention to considering the separation of grades of the Canadian Pacific Railway alone, and it was set out that it was proper to consider the Canadian Pacific grade separation independently of the additions made to cost by the Canadian Northern coming alongside of the Canadian Pacific, and that it was this cost of the Canadian Pacific independently considered that should be borne in mind in making the apportionment.

Subsequent to the hearing, a draft order was prepared and forwarded to counsel for the city of Toronto, the Canadian Pacific Railway Company, and the Toronto Street Railway Company. The Canadian Pacific Railway Company, through its counsel, suggested in letter of October 27, 1914, that clause 3

of the draft Order should read as follows-

"That after deducting the contributions from the Toronto Street Railway Company and the 'Railway Grade Crossing Fund' (leaving Yonge street out of consideration) twenty-five per cent of the remainder be borne and paid by the city of Toronto; the said contributions to be based upon the cost of the work necessary to elevate the two tracks on the Canadian Pacific right of way as shown on plan and the construction of the necessary subways, together with and including the cost of making

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connections with and alterations to sidings and tracks now existing and as shown on the said plan and located on both sides of the Canadian Pacific right of way in order to give proper access thereto, the city's contribution to be for all highways at which grade separation is effected, except Yonge street, from east of Summerhill avenue to a point where the grade runs out West of Dovercourt road."

In addition to the draft order having been sent to counsel for the city of Toronto and the Toronto Street Railway Company, there was also sent to them a copy of clause 3 as proposed by Mr. Beatty, for their submissions in connection therewith.

Mr. Geary, in his letter of November 3, 1914, used the following words:—

"My recollection is that there was considerable argument on the question of what tracks were to be elevated, and it was concluded that what should be elevated is 'two tracks'. Mr. Beatty's suggestion is to elevate the 'two tracks' as shown on a plan. This, of course, will probably mean a much wider fill in as much as the tracks are further apart than is necessary. What I understood was that there was to be track clevation, in the cost of which the city was to share, of sufficient dimensions to hold two tracks of the Canadian Pacific railway at the usual centres. This was in acceding to the contention of the city that the result of any other disposition would be to enable the Canadian Pacific Railway to build, at the joint cost of the Canadian Pacific Railway and the city, a viaduct wide enough to accommodate, not only two tracks of the Canadian Pacific Railway, but a track of the Canadian Northern, and in that way, to obtain from the Canadian Northern a substantial contribution to the cost, for which contribution the city would get no credit whatever. If the Canadian Pacific Railway wants a wider viaduet than is necessary to accommodate two tracks, it should be at its own expense, which expense, no doubt, in the end would be largely borne by the Canadian Northern Railway."

No communication by way of comment on clause 3 was received from counsel for the Toronto Street Railway Company. Thereafter the order issued

on November 14, as indicated.

By reference to clause 3 of the order as issued it will be found that there are three differences in wording as between the draft clause proposed by the Canadian Pacific Railway Company after receiving the draft and the order as issued. The following shows in a comparative way the provisions of clause 3 of the order as issued and the provisions contained in Mr. Beatty's draft, the differences in the latter being shown by the words in brackets and italicized:—

That after deducting the (contributions) contribution from the Toronto Street Railway Company and the Railway Grade Crossing Fund (leaving Yonge street out of consideration) twenty-five per cent of the remainder be borne and paid by the city of Toronto: the said contributions to be based upon the cost of the work necessary to elevate (the two tracks on the Canadian Pacific right of way as shown on plan) two tracks, with thirteen foot centres on the Canadian Pacific Railway as shown on the plan approved herein and the construction of the necessary subways together with and including the cost of making connections with and alterations to sidings (and tracks now existing and as shown on the said plan and located on both sides of the Canadian Pacific right of way) in existence on the 26th day of May, 1912, in order to give proper access thereto: the city's contribution to be for all highways at which grade separation is effected, except Yonge street from east of Summerhill avenue to a point where the grade runs out west of Dovercourt road.

While no reasons for judgment issued on the 1914 hearing referred to, it is evident from the argument at the hearing and the submissions made in regard to the form of draft order that the point involved in Mr. Beatty's argument was fully considered by the Board, and the form of the order considered in connection with what is contained in the record makes clear that the words "the said contributions to be based upon the cost of the work necessary to elevate two tracks with 13-foot centres on the Canadian Pacific Railway as shown on the plan approved herein" were designedly drafted with a view to making explicit that the computations as to contribution were tied up to a structure providing for two tracks of the Canadian Pacific, and the necessary expenses in connection with the construction thereof.

I agree in the disposition of the various matters involved as set out in the reasons for judgment of the Chief Commissioner.

### COMMISSIONER RUTHERFORD:

I concur in the judgment of the Chief Commissioner, except as to crediting the Canadian Pacific Railway Company with item No. 6, in that company's statement of expenditures in connection with Avenue Road subway, as referred

to in the said judgment.

This item No. 6 involves a sum of fourteen thousand, four hundred dollars (\$14,400) which the Canadian Pacific Railway Company has charged, as being the price of 16,000 square feet of land included in the original estimate of cost, on the presumption that the land in question would have to be purchased by the railway company, in order to elevate its two tracks with thirteen-foot centres, as provided in the agreement. The said sum of fourteen thousand, four hundred dollars (\$14,400) with interest on same (\$5,337.86) is included in the total of \$51,809.58 as shown by the Canadian Pacific Railway Company's statement which forms the basis of the apportionment of charges to the city of Toronto and the Toronto Street Railway Company.

Owing to the participation of the Canadian Northern Railway Company in the construction of these subways, which necessitated the purchase and use by that company of the 16,000 square feet of land in question, the said land was not actually purchased by the Canadian Pacific Railway Company, and its

purchase price should therefore, in my opinion, not be allowed.

The Chief Commissioner, in his judgment, refuses to allow the Canadian Pacific Railway Company the interest on the amount for the eight years which have elapsed between 1914 and 1922, on the ground that the land was not actually purchased.

I agree that the Canadian Pacific Railway Company is not entitled to this interest, but I cannot agree that it is entitled to the principal, or to the interest

which, inferentially, the sum involved will earn in the future.

APPLICATION OF CITY OF HAMILTON TO CROSSING TRACKS T.H. & B. RAILWAY AND G.T.R. BY STORM OVERFLOW SEWER IN CITY OF HAMILTON

Judgment of Commissioner Boyce, October 26th, 1922, concurred in by Commissioner Lawrence, and Assistant Chief Commissioner under separate Judgment dated October 30, 1922.

These cases were heard together, the arguments of Counsel being confined to the question as to the distribution of the cost of the works, which the City asked for permission of the Board to carry on. The work, common to all the applications, was the laying of a sewer, or a 'storm overflow sewer," under the tracks of the railways, respectively, where they cross the streets in the city of Hamilton, referred to in the application of the city.

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There is no dispute in any of the cases as to the necessity for the work. In every case the railway concerned raises no objection to the work being performed, and were it not for the special feature of the application by the city in insisting that the railway company should pay the cost of the work involved in extending the sewer across its tracks, and, where necessary (as in two of the applications) the cost of raising the railway tracks, the application would, upon the consent to the work, be of a nature provided for by section 269 (subsection 3) of the Railway Act, and the regulations passed thereunder, and no order of the Board would have been necessary.

In each case, therefore, an order of the Board was made authorizing the work, and reserving the question of the apportionment of the cost thereof for

further consideration.

The main contention of the city to which argument was directed at the hearing, and in subsequent submissions, was that, the city street involved in each case being senior (a statement not disputed by the railway concerned) its seniority continued and subjected the railway concerned to the payment of the extra cost involved in the crossing of that railway by the storm overflow sewer which the city was laying along the street, by analogy to the principles generally followed by the Board in applying what is known as the "Senior and Junior rule" to the crossing of the railways by highways. The argument of Mr. Waddell, K.C., for the city involved, inter alia, the contention that the soil and freehold in the city street, crossed by the railway was vested in the city, and that the freehold carried with it the right to the subsoil, and that the placing of a storm overflow sewer by the city under its streets was a necessary and proper user of its own property to which the railway, at its crossing, became subject, as junior in point of time of establishment, with consequent liability to contribute the additional cost involved in carrying such sewer along the street under the railway.

Argument was also directed to the question as to the status and title of the city as regards its streets, and while a conclusion one way or another upon such contentions as were advanced, respectively, on behalf of the city and the railways, may not conclude the question of contribution to cost, more directly involved, it is desirable that due consideration should be given to what is

involved in these respective contentions.

The status and title of the municipality as regards the street at the time of its crossing by the Deminion Railway depends upon the construction to be placed upon the appropriate sections of the Municipal Act then in force as defining such title. The Municipal Act (Ontario) of 1903 (3 Ed. VII. chapter 19, sections 598, 599, 601) carries forward the same definitions as are contained in R.S.O. 1897 (chapter 223, sections 598, 599, 601), and in the former enactments there consolidated. These are, in the form of the 1903 consolidation, traceable back far enough to govern conditions at the time of the crossing of the Hamilton streets by the railways in question.

The apparent variation in definition as to title contained in sections 599 and 601 of these enactments led to considerable discussion, and was the subject

of judicial doubt as to just what was intended by the two sections.

Abell v. York, 61, S.C.R. at pp. 350-351. Biggar's Municipal Manual, at p. 818.

There is some ground in the wording of the two sections of the Ontario Act, 1903, referred to for the contention that a lesser interest is intended by section 601 than by section 599, especially as the words "soil and freehold" used in section 599 are not carried into section 601, thus leaving it open to the construction that whereas by the former section the "soil and freehold" were vested, at that time, in the Crown, by the latter section, the street was placed in the possession and control of the municipality for local purposes, that is, that the

freehold, by section 599 was vested in Crown, possession, by section 601, in the municipalities for municipal purposes, which is in agreement with the respective headings to each section, as far back as 1897, viz., 599; "Freehold in the Crown" -601, "Possession in municipalities." If, by section 599, as it then stood, the "soil and freehold" of a highway were, by statute, vested in the Crown, the same title in the same highway could not be in the municipality.

The difference of interpretation of these sections, doubtful as they seemed, led to a new section being introduced into the Municipal Act (Ontario) 1913,

R.S.O., chapter 192, section 433, providing as follows:

"Unless otherwise expressly provided, the soil and freehold of every highway shall be vested in the corporation, or corporations, of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under the provisions of this Act" (1913).

This enactment was not in the form of a declaration to settle the law owing to the conflict of interpretation of the former sections in the old Acts referred to, and therefore it was retroactive but spoke from date of its coming into force, (1913) and its effect was to vest the "soil" and "freehold" of the highway in the municipality, "for the time being, having jurisdiction over it under this Act" (viz., the Act of 1913). It would seem, therefore, that the contention as to seniority of rights, (as to the railways involved) to use the subsoil of the streets of Hamilton for the purpose now proposed rests (in Ontario) upon the legislation of 1913 above referred to, and that, from the date of the coming into force of the 1913 Act, such rights as are vested thereby accrued then to the city, and therefore, there would seem to be force in the contention urged by the railways, that qua the railway, then in place, under Dominion authority, the municipality had acquired no seniority in the subsoil, but was junior to it, though senior as regards surface rights for highway purposes, and that the laying of water pipes under the street was not an incident to the city's title to the street, as defined by the Act.

Such is the condition of the legislation in one province (Ontario). In all the provinces of the Dominion the soil and freehold is not vested in the local municipality, e.g., Quebec, where it is vested in His Majesty (in right of the province), and in Manitoba, Saskatchewan and Alberta, the right of His Majesty (in right of the Dominion) to the soil and freehold of highways, has never been taken away. Seniority of a Dominion railway traversing various provinces of Canada over highways would, therefore, depend upon the state of the provincial law applicable to title in the highways of each province, if seniority is to depend, as to the use of the highways for other than general travel, upon the local law governing title in soil and freehold. The question raised must, I think, be capable of decision upon more stable and uniform

ground than this.

The provisions of the British North America Act, relied upon in argument of counsel for the city are of importance as regards the railways concerned, all of which are "works and undertakings" of one or other of the classes specified n the exceptions (a) and (c) of subsection 10 of section 92 of the British North America Act, but these provisions, themselves, and as interpreted and pplied by judicial decision, do not seem to me to strengthen the city's contenion on the constitutional ground suggested in the argument. By section 92 of he British North America Act, subsection 13, "Property and civil rights in the rovince" is one of the classes of subjects as to which the provincial legislatures nay exclusively legislate, but by subsection 10 specific exception is made of the rorks and undertakings of Dominion charter of the classes mentioned in (a), b) and (c) thereof, and subsection 29 of section 91, and the concluding para.

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graph of that section following, make it clear that these railways are within the

exclusive legislative authority of the Parliament of Canada.

By Acts of the Parliament of Canada the railways concerned derived their powers in carrying out their respective works and undertakings, and in virtue of those powers, and subject to the provisions, conditions and safeguards prescribed by the Railway Act, the city streets of Hamilton were intersected, and upon these streets, at such intersections, became established, not subject to previncial law, but by the paramount power of Parliament. By the Railway Act of Canada provisions are made for the conditions upon which railways under the jurisdiction of the Parliament of Canada may invade the rights of private individuals, or private or public corporations-including municipal corporations, created by Provincial authority (e.g., Vide, sections 255-258 of the Railway Act. 1919.) These conditions are for the safeguarding of, say, public rights as represented by municipal (or local) control or government. A Dominion railway crossing a public street without conforming to the requirements of Dominion enactments is, ipso facto, a trespasser and may be restrained, but once it receives by properly constituted Dominion authority (whether the Railway Committee of the Privy Council, before the constitution of this Board, or by this Board in whom the power is now vested to grant or refuse such permission according to varying conditions) it is there, as a Dominion work, by the paramount power and authority of the Parliament of Canada, and is not subject to the provisions for municipal control contained in any provincial statute. It thereby, under such paramount power, and under the provisions of the British North America Act, I have cited, acquires the right to interfere with property and civil rights in the provinces. And, having acquired that paramount right, it cannot, I think, be argued with any consistence or cogency that such paramount right can, many years afterwards, be affected, interferred with or diminished by the assertion by the municipality of what might be termed a "slumbering or inchoate right" in the subsoil of the street across which the railway is so established by Superior legislative authority.

C.P.R. v The King, 7 C.R.C. 176.

C.P. Rv. Co. v The Municipality of Notre Dame de Bonsecours (1899)

A.C. 367, pages 372, 373.

City of Toronto v Bell Telephone Co., 3 O.L.R. 465.

Reversed in appeal, 6 O.L.R. 335.

Tennant v Union Bank of Canada (1894), A.C. 31.

Canada Atlantic Railway Co. v Ottawa, 1 C.R.C. 298.

Madden v Nelson & Fort Sheppard Ry. Co. (1899), A.C. 626, at page 628.

And where by Dominion authority, the railway crosses a highway, it has the right to cross without expropriation proceedings and without making compensation to the municipality. The lesser, or local, interests of the people of the latter, being, by force of law referred to, made subject to the greater interests of the people of the whole State, as represented in a work, the nature of which is, by statute, declared to be a work for the general advantage of Canada.

Canada Atlantic Ry. Co. v. Ottawa, 2 O.L.R. 336 4 O.L.R. 56. Also see Mayor Etc. of Birkenhead v. L. & N.W.R. Co. 15 Q.B.D. 572; Judgment of Brett, M.R. p. 578.

The contention, therefore, pressed upon us in the argument of counsel for the city, that the provisions of the British North America Act, with respect to the preservation to the exclusive jurisdiction of the legislatures of the various provinces of question affecting property and civil rights of and in the provinces, may be invoked to aid in the city's contention as to contribution to cost, does not appear to be a cogent one, because,—

- (a) Whatever rights the city had at the time the railway came to lay its sewers are not impaired now by the presence of the railway, except to the extent of any extra cost involved in carrying out the Municipal work by the presence of the railway;
- (b) By the Dominion Railway Act, power is vested in this Board, as successor to the jurisdiction and functions formerly exercised by the Railway Committee of the Privy Council, to impose such terms and conditions, as by the Railway Act, and the Special Act are provided as proper for the purpose of safeguarding, in a variety of ways, applicable to various conditions, the rights and interests of the municipality.

There must, therefore, be found in the Dominion legislation, the Railway Act of Canada, 1919, the jurisdiction to afford the remedy the city is seeking. That is apparent by the application to this Board by the city, under the Railway Act of Canada. By the application the city recognizes the legal situation, as I have endeavoured to point it out, viz: that the railway being constructed, under authority of Dominion law, across this street, the city must apply to that duly constituted authority for permission to interfere with that railway in the exercise of its municipal powers, derived from the Provincial Legislature, in the use of its street, to the extent of that part of it occupied by this railway, and over which, but for the presence of the railway under authority cited, the city would have complete jurisdiction and control by force of Provincial Law. It is clear, therefore, that there is no conflict of laws, Dominion and provincial, involved in the argument of counsel upon the question as to the rights of the city under that provincial law.

The city's application must, I think, fall within and be governed by the provisions of section 269 (b), of the Railway Act, 1919, as the only section applicable to the main object sought, viz: permission to lay an overflow storm sewer under a railway. "A storm overflow sewer" is, as its name implies, an auxiliary means of drainage (common to the city at large, and for the benefit of the city as a whole), of the surplus, or emergent, quantity of water brought into the city drainage system by storms. It is not applicable to the drainage of any particular area, and, therefore, is not in contemplation in such of the sections of the Railway Act as deal with drainage obligations incident to the particular area occupied by the railway, consequently it is purely a municipal drainage scheme and the railway does not contribute to its necessity nor is it concerned in its stility.

Section 268 is not applicable, in my opinion, for the obvious reason that (a) it applies only to construction period, and (b) neither the drainage of the rea of land in the vicinity of the railway, nor the obligation therein referred to, of the railway to drain it, is in any way involved. Section 270 is not applicable also, for the obvious reason that such proceedings as are therein provided, are under provincial Drainage Acts, in so far as they, or any of them, are applicable, discussion as to the constitutionality of which would not be important here. The relevancy of section 270 is disposed of as regards this application, by the act that it has not been invoked, no procedure taken thereunder, and this loard having now made Orders approving the city's application, the provisions of that section (270) (subsection 2) render the section inapplicable.

The applicable section (269 (b) ) provides as follows:—

Whenever (b) "any municipality or landowner desires to obtain means of drainage, or the right to lay water pipes or other pipes, temporarily or permanently, through, along, upon, across or under the railway or any works or land of the company;" The application, under this section, by the city is "to obtain the right" etc. to lay water pipes. The contention of the city, therefore, as to its freehold

estate, carrying that right, is merged in this application.

Now, as I have pointed out, there is no dispute as to the carrying out of the work, i.e. the railway made no objection to permission being granted to the city to carry its storm overflow sewer, under its tracks, proper engineering safeguards being settled. By subsection 3 of section 269, in case of consent of the railway, no Order of this Board is necessary and the procedure is governed by the standard regulations of the Board applicable to such a case.

Section 269, in the Act of 1919, was formerly section 250 of the former Consolidated Railway Act, 1906, but section 250 of the old Act did not contain subsection 3 as above referred to, but the old section did contain the other provisions in the section now invoked as well as what is provided for in section

268 of the present Act.

Provision for compensation to an owner injuriously affected, provided by latter part of subsection 2, section 269, of the present Act was not included in section 250 of the old Act. No questions arise as to compensation between

the city and an owner, so far, in these applications.

In the exercise of its powers, this Board, by General Order No. 74, dated April 19, 1911, provided Standard Rules and Regulations to govern the laying of water pipes, etc., under section 250, and that order adopting those regulations, which were passed under power of the Statute (Section 34) provides as follows (General Order No. 74, Section 3):—

"3. That every order of the Board granting leave to place or maintain any pipe or pipes across any railway subject to the jurisdiction of the Board be, unless otherwise expressed, deemed to be an order for leave to place or maintain the same under and according to the said conditions and specifications, which conditions and specifications shall be considered as embodied in any such order without specific reference thereto, subject, however, to such change or variation therein or thereto as shall be expressed in such order."

And, that part of the regulation so adopted, relating to cost of the work, section 5, is as follows:—

"5. All work in connection with the laying, maintaining, renewing, and repairing of the said pipe and the continued supervision of the same shall be performed by, and all costs and expenses thereby incurred be borne and paid by, the applicant; but no work at any time shall be done in such a manner as to obstruct, delay, or in any way interfere with the operation of any of the trains or traffic of the railway company or other company using the said railway."

Those regulations were in force when the amendment (1-2 George V, chapter 22) introducing what is now subsection 3 of section 269 was passed and in order to meet any question as to the application of General Order No. 74, with the Rules and Regulations then promulgated, to the amendment, the Board, by General Order No. 75, dated May 26, 1911, provided as follows:—

"Whereas, for the purpose of dispensing with the necessity of an order of the Board where water pipes or other pipes are laid under railways, the said section 250 of the Railway Act was amended by section 8 of the Act to amend the Railway Act, assented to May 19, 1911, by adding thereto the following subsection: An order of the Board shall not be required in the cases in which water pipes or other pipes are to be

laid or maintained under the railway, with the consent of the railway company, in accordance with the general regulations, plans or specifi-

cations adopted or approved by the Board for such purposes.

"Therefore it is ordered that the Standard Regulations regarding Pipe Crossing under Railways, approved by order of the Board No. 13494, dated April 19, 1911, be, and they are hereby adopted and approved pursuant to the said amendment."

And the same rules and regulations became effective under General Order No. 75 as had been authorized under General Order No. 74, and those rules and regulations governing the whole section 269, as it now stands in the Railway Act of 1919, are now in force and govern the application of the city, as general regulations made by Dominion authority, and specifying the conditions and terms under which a work of the character contemplated by the section is to be carried

As I see it, the city in making this application submitted itself to the jurisdiction of this Board and thereby became subject, as well to the provisions of section 269 as also to all that is contained in General Orders 74 and 75 and general regulations thereby authorized, as the conditions and terms, contemplated to be imposed by Statute, section 34, for carrying into effect the provisions of section 269, as to the laying of the pipes, and as to the provision for the cost thereof, "having regard to all proper interests" in this instance the railway there established by authority of Dominion law under the Railway Act. Holding this view, I can see nothing in all that has been urged by the city which would, in the circumstances, disturb or interfere with the application of those General Orders and Regulations to these applications.

What is contained, specifically, in the Regulations is in accord with the

practice of the Board.

Maritime Telegraph and Telephone Co. v. D.A.R. Co. and Baird v. C.P.R., 20 C.R.C. p. 213.

City of Vancouver v. V.V. and E. Ry. Co., 18 C.R.C. p. 306.

The facts are very similar to those in question in two applications made to the Board as far back as 1907, by the town of Brampton, for permission, under section 250 of the Railway Act (as it then stood) to lay sewer pipes under the tracks of the Canadian Pacific Railway, and of the Grand Trunk Railway where the tracks of those railways crossed Queen street, along which street the

municipality was constructing a sewer (Board files 5383 and 5390)

The question arose then as to distribution of cost of the work under the railways' tracks. Argument of these cases was heard by the Board at Toronto, November 6, 1907 (Vol. 53 pp. 6839-6846 Record), as to form of order and what s contained in section 5 of the present regulations was adopted, practically word for word, in the orders then made governing cost of the work as far as the allways were concerned, under conditions practically the same as those now resented. I quote section 2 of Order No. 4061, file 5383:-

"2. That all work in connection with the laying, maintaining, renewing, and repairing of the said sewer pipe and the continued supervision of the same be performed by, and all costs and expenses thereby incurred be borne and paid by, the applicant, subject however, to any right of assessment in respect thereof under the provisions of the Municipal Act of the province of Ontario; but that no work at any time be

done under the authority of this order in such a manner as to obstruct, delay, or in any way interfere with the operation of any of the trains or traffic of the railway company or other company using the said railway."

In a judgment directed to the settlement of the form and terms of the orders in these cases the late Mr. Justice Killam (then Chairman of this Board)

"The railways cross Queen street, and the town is constructing a sewer along that street and wishes to carry it under the tracks of the two companies. This is presumably not a case, then, in which the companies own the land, but one in which they have merely rights to maintain and operate their railways across the street. They interfere thus with the ordinary right of the town to carry the sewer under the street, and the town is obliged to obtain the authority of the Board to enable it to do this. In such a case the terms should be as little onerous upon the town as possible."

The only question, as will appear from the judgment, paragraph 3, was as to the right of the town to assess the railways for a portion of the cost of the sewer under the Municipal Act. To safeguard this right the words "subject, however, to any right of assessment in respect thereof under the provisions of the Municipal Act of the province of Ontario" were inserted into section 2 of the orders, as above.

The question of the rights of the city of Hamilton as to assessment is not raised in this case, and I do not think that any provision could be made in the orders disposing of these cases. Whatever power the city possesses as to assessment of railway property is, of course, preserved to it. The subject is

independent of this Board's functions.

I have referred to the Brampton Cases at some length because they appear so opposite to the present case and because a comparison of the wording of section 2 of the orders therein made, with that of section 5 of the Regulations approved by General Orders Nos. 74 and 75 passed in 1911, leads one to the conclusion that the wording of those regulations was adopted as a result of the

decision in the Brampton Cases.

The cost of the work, in each case, for which the Board's permission had already been given by order, and all other conditions and details thereof as affecting the railways, will be governed by the General Regulations promulgated in General Orders 74 and 75, including the cost of such raising of tracks of the railway as may be necessary, and as to all other questions affecting the work, in case of dispute, the Board's Engineer will act, pursuant to the Regulations, as final arbitrator.

Orders will go accordingly.

## McLean, Assistant Chief Commissioner:

Some consideration of the history leading up to the issuance of General Orders 74 and 75, and some account of the practice antecedent to the issuance

of these orders is pertinent.

The steps leading up to the issuance of General Order No. 74 date back to October 21, 1908, when the Board took up the consideration of drafting a standard form to deal with the very considerable number of applications arising under section 250 of the then Railway Act, and by November 25, 1908, a draft Order was agreed upon by the Board. For a time there were separate orders for water, sewage and manufactured gas on the one hand, and natural gas on the

other. In both forms of order the full cost of construction and maintenance was on the applicant. While the general form of the order was then agreed upon, discussions took place in regard to certain of the engineering features, and the result was that Order No. 74, embodying the standard regulations regarding pipe crossings under railways, was finally approved by Order of the Board dated April 19, 1911.

In general, the practice prior to 1908 had been that the order made was based upon an agreement entered into between the railway company and the municipality. See, in this connection, Application of the city of Calgary to lay water pipes and sewer pipes under the tracks of the C.P.R. Evid. Vol. 50, p. 5031, more particularly the statement made by the late Chief Commissioner Killam at pp. 5033-5034. The hearing in question was held at Calgary on

July 26, 1907.

As pointed out by Commissioner Boyce in his judgment, a matter analogous to what is involved in the present application arose in the Brampton Case. This case, so far as the records of the Board show, was the first case in which the question was raised before the Board.

În applying to carry sewer pipes under the tracks of the Canadian Pacific Railway and the Grand Trunk, the Solicitor for the town of Brampton, in

dealing with the applications against the Grand Trunk, stated:-

"2. That by reason of the fact that the company's railway crosses. Queen street in the said town, it is necessary to have the question of the rights of the parties ascertained by the Board, as the railway company refuses to consent to an amicable arrangement thereof. . . . "

"5. . . . That the corporation of the town of Brampton herein applies for an order as to how, where, when, by whom, and upon what terms and conditions the said sewer pipes shall be laid, constructed and maintained, having due regard to all preper interests, and requesting that the same may be disposed of with all convenient speed."

The Grand Trunk Railway submitted a draft order in accordance with its usual form. The draft order, paragraph 2 thereof, provided that all work in connection with the laying, maintaining, renewing and repairing of the said work, and the continued supervision of the same were to be performed by, and that all costs and expenses thereby incurred were to be borne and paid by the applicants; that is, the municipality.

In the answer of the solicitor for the town, dated September 19, 1907, in criticizing the position taken by the railway, the following words were used:—

".... It seems to me that the order proposed is a very one-sided one. It would seem to me to be drafted on the assumption that the railway owns the street, whereas, I presume, the fact is that the corporation, or the public owns the street, and that every person has an equal right to it."

In the sitting at Calgary, already referred to, Mr. Bennett, who appeared for the Canadian Pacific Railway, further stated that the company had a standard agreement which prevailed all over the system. The Chief Commissioner, in commenting on this said: "Something of that kind should be done when it is under the company's right of way. When it is a highway, over which you have the right to cross, it is different."

In the Brampton Case, notwithstanding the position taken by the town, as already set out, in regard to its rights as affected by the matter of seniority, an order issued in accordance with the draft as submitted by the Grand Trunk.

Thereafter, a hearing was asked for by the town.

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In the draft form which the municipality submitted exception was not taken to the cost being upon the applicants, but it was desired that a clause should be inserted providing that the assessment of cost upon the applicant municipality should be subject to the provisions of the Municipal Act respecting local improvements.

In the argument presented at the hearing in Toronto on November 16, 1907, Mr. Blain, who appeared for the town of Brampton, said, inter alia, Evid Vol. 53, p. 6844; "Then the next question as to the cost. We submit that the statute provides that we shall not be put to any cost in using what we have as much right to use as the company has." Then he referred to the superintendence in connection with putting in the work, and criticized the position taken by the railway in asking that the municipality should pay the cost of superintendence. The following discussion, however, took place on this point at the same page:—

"Hon. Mr. Killam: Why should they be put to unnecessary expense for looking after their track where you put through a sewer? Is it not reasonable to require you to look after that?"

"Mr. Blain: That is not unreasonable. I would not press that."

The material portion of the judgment, rendered by the late Chief Commissioner Killam which seems pertinent in the present application has already been

quoted by Commissioner Boyce.

When the proceedings were initiated in 1908, as already referred to, in connection with the standard form of order, the Board's attention was specifically directed to the form of the orders which had been used by the railways, as well as to the form of order which issued in the Brampton Case after rendering of

judgment, as above referred to.

When the drafting of the rules was under consideration, and a point was raised as to whether the municipality should be responsible for the cost of an inspector for the railway company where a main was being laid under railway tracks upon the street, the latter being senior to the railway, the late Chief Commissioner Mabee, on November 18, 1908, ruled that the municipality should not be so subject; and he continued that different considerations arise where a private corporation applies to lay a main under the tracks upon a street, or where either the latter or municipal corporation applies to lay a main under

tracks where the railway company own the right of way.

Substantially the same point arose in connection with a claim made by the Canadian National Railway against the city of Belleville for the wages of a watchman watching the track while water pipes and sewer pipes were being installed under the tracks of the railway in question. The ruling in question, which was dated March 24, 1920, will be found on Board's File No. 9473.21, Board's Orders and Judgments, April 15, 1920, Vol. 10, No. 2, p. 31, and it was held that since the work was being carried out on the highway which was senior to the railway, that notwithstanding that the expense of the watchman was in the public interest in connection with the work, at the same time the city, in carrying on this work and in exercising the right attaching to its ownership of the highway, should not be subjected to the expense of the watchman, but that the said expense should be borne by the railway company, whose right is junior,

It would appear then, that in the steps leading up to the regulations of the Board as now embodied in General Orders 74 and 75 which, in so far as obligation in regard to cost is concerned, set out the Board's construction of section 269 of the present Act (which was section 250 of the antecedent Act), that the Board has had before it the contention as to the incidents of cost attaching to municipal seniority. That with this clearly presented before it in the

Brampton Case, the only modification was by way of safeguarding the rights of the municipality in respect of any right of assessment under the provisions of the Municipal Act.

It appears further, that when the whole question was being gone into in the light of the antecedent practice of the Board, a modification was made in regard to inspection. Subject to this, the burden of expense, under the orders in

question, is on the municipality.

The Brampton Case was the only one in which, prior to 1908, the question of the incidents of cost attaching to municipal seniority was raised. Owing to the amendment made to section 250 of the former Railway Act, made by subsection 3, which amendment is continued in subsection 3 of section 269 of the present Act, there have been very few cases in which the matter of sewer pipe crossings have come before the Board for formal orders. Judging from the records the practice of the municipalities, in applications falling under Orders 74 and 75, has been to accept the burden of cost as one attaching to the municipality.

On September 17, 1913, an application was launched, by the city of Hamilton for an order authorizing the construction of a 20-inch water main under the tracks of the T. H. & B. Ry., at Main street west. Main street is senior at this point. See the Board's judgment, February 17, 1920, in the Application of the Toronto, Hamilton and Buffalo Railway Company for an Order authorizing the company to reconstruct overhead bridge at Main street, Hamilton, Ontario.

Board's Orders and Judgments, Vol. 9, No. 24, p. 437.

The street is carried across the tracks of the railway by a bridge, and there is nothing on file to show whether it was contended by the railway that the rights of seniority of the municipality attached only to the substituted highway afforded by the bridge, and were extinguished insofar as a crossing on the level under the tracks of the railway was concerned.

With the application made by the city for an order there had been filed a draft order, initialled by the parties, providing that the work was to be done in accordance with the provisions of General Orders 13494 and 13731 (these are now General Orders 74 and 75). In view of the amendment which had been

made to section 250 of the Railway Act, no order was necessary.

The location of paragraph 5 in the Standard Regulations regarding Pipe Crossings approved by General Order 74, might suggest that the provisions as to cost being on the municipality related only to pipes for oil and natural gas. because paragraphs 4 and 5 are under the heading "Pipes for oil and natural gas" However, it is clear from the record leading up to the issuance of the order that this descriptive heading, "Pipes for oil and natural gas" simply applies to paragraph 4. The descriptive heading is not to be found in the draft form of order formally approved by the Board.

The wording of paragraph five, subject to the provisions of paragraph seven regarding the wages of the inspector, applies generally in respect of the incidents of cost to the municipality in connection with the various matters of pipe crossings under the order, and it explicitly places the cost of construction and maintenance upon the applicant. Were there ambiguity in phrasing the Board would be justified, I think, in construing the order strictly against the railway, but

there is no ambiguity.

I agree in the judgment of Commissioner Boyce.

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APPLICATION OF CITY OF WESTMOUNT TO DELIVERY LIMITS OF EXPRESS COMPANIES.

Judgment of Assistant Chief Commissioner, November 24, 1922, concurred in by Deputy Chief Commissioner and Commissioner Boyce.

This matter was heard in Montreal on the second day of October, 1922. What is involved is an application to make extension in the area of delivery

service of the express companies.

It was pointed out to the applicant at the hearing that the Board had laid down in its judgment of July 17, 1919 (Board's Orders and Judgments, Vol. IX, p. 133), general regulations which it considered reasonable in connection with the limitation of free delivery limits. Prior to the adoption of these rules, the Board had dealt with individual cases and the record was an unsatisfactory one, as no unit standards of population or development were possible under such conditions. The conditions set out in the Express Judgment of 1919 were arrived at after careful consideration. If a municipality falls within the conditions so set out, it is entitled to an extension of the delivery limits. To the extent to which it does not fall within the conditions above referred to, I am of the opinion that the Board is not justified in giving it exceptional treatment. The conditions have been and are being applied generally; and they are reasonable.

In the hearing in the present case, direction was given that the parties were to get together and go over the detail, checking out what was set out on the map presented by Mr. Ham on behalf of the express companies. This map purported to show just what area was being furnished free delivery service under

the provisions of the Board's judgment.

Under date of October 14, 1922, the Board received the following letter from Mr. Ham:—

"When the application of the city of Westmount for an extension of the express cartage limits to include the territory above the Boulevard was heard at Montreal on October 2, it was suggested by the Assistant Chief Commissioner that we get in touch with the municipal authorities to see whether the two parties could not agree on the population figures in the several blocks in dispute. This has been done and I am now enclosing a blue print of Westmount blocked out into quarter-mile squares, each square lettered for reference purposes, showing in red figures the number of families in the different blocks. These red figures are those which were presented by the Westmount representatives at the hearing, and we will take no exception to them. The yellow figures on the map, which indicate the number of bouses in each block above the Boulevard, were presented to the Board at the hearing on October 2 by the Express Traffic Association and, I believe, are not challenged by the Westmount authorities.

"For ready reference the number of houses in the different squares are shown below:—

C	_																								er of				
Squar	e L	et	te	r																In	con	npl	lete	e 1	block	 Abo	ve	B	lvd.
	A.																						6	2			6	2	
	В.	۰		0	۰	٠				 ۰	۰	0				۰				•			6	2			6	2	
	C.	۰				0	۰					0	0	0	0	0	 	 					40	0			2'	7	
	<b>D</b> .	0					۰		0				o		۰	0				0			4	4			34	1	
	E.	٠	0 0	0	0	a				 0	۰	۰					 						4	4			4	1	
	H.						٠							0.	۰		 D	 , ,					17	5			-	_	
	I.,																						6	3			-18	3	
	J.,					0		- 4	0														3	1			3	1	
	N.																						98	3			9	)	

"It will be noted that the express companies have been extremely liberal in establishing the cartage limits at Wesmount, for both blocks

'I' (containing 63 families) and 'N' (containing 98 families) do not even yet come up to the population requirements of the Board's rules, though both these blocks are already served in part. A glance at the map will show the Board that there is no warrant for any further extension of the Westmount cartage limits at this time."

The matter has stood for further communication from counsel for the municipality. The Board is now in receipt of a communication from counsel for the municipality which does not take exception to the position that the delivery limits established are in compliance with the conditions above referred to. It is set out that the present delivery limit is the boulevard; it is suggested that a more reasonable arrangement would be to make delivery within the territory one block north of the boulevard, which is stated to be comparatively closely built up and would involve no extra cost or inconvenience to the express companies.

When standards are adopted dealing with areas within which there is to be free delivery service as compared with areas within which the free delivery service is not directed to be performed, it happens, of necessity, that a dividing line must be drawn somewhere.

I am of opinion that a case for variation of the regulations has not been made out on the facts submitted in the present application.

COMPLAINT OF NATIONAL DAIRY COUNCIL OF CANADA TO FREIGHT RATES ON BUTTER.

Judgment of Assistant Commissioner, September 26, 1922, concurred in by Chief Commissioner, Commissioners Rutherford and Lawrence.

The complaint as launched, as per letter of the general counsel, secretary and treasurer, dated December 27, 1921, dealt with the rates on butter, in carloads, from Calgary and Edmonton to Montreal and Vancouver. It was pointed out that since 1914 the rates had been materially increased. The following submission was made:—

"Bearing in mind the very great reduction that has taken place in the price of butter since the increases were authorized and the necessity of developing mixed farming in Alberta, I beg to submit that the present rates, both east and west of Calgary and Edmonton, on butter, are excessive, and should be reduced."

The matter was set down for hearing and spoken to at Ottawa on February 23, 1922. While only Calgary and Edmonton as shipping points were named in the complaint as originally filed, at the hearing counsel enlarged his complaint to include the rates from other points in the Prairie Provinces to Vancouver and Montreal; and requested the re-establishment of rates that were in effect in 1917. With one or two exceptions, the rates of 1917 are the same as the rates of 1914.

It was represented that the reduction in rates would be for the benefit of the farmer. Counsel, at p. 1675, stated:—

"I am speaking from the farmers' point of view, because those centralizers who make and sell butter are really just the representatives of the farmers. There is a recognized spread between what the farmer gets for his butter fat and what the creamery gets for the butter, and the higher the price for the butter, why, the higher the price the farmer gets for his butter fat. So that it is really the point of view of the dairy farmer in the western provinces that I think I am justified in speaking for."

It was also alleged that there has been some difficulty in competing in the Vancouver market on account of butter importations from New Zealand under low ocean freight rates and an advantage through the rate of exchange, although in respect of this there appears to have been also the influence of an abnormal situation which is described by counsel at p. 1676, as follows:—

"The English market has been in an unfortunate condition, due to the fact that the decontrol of butter by the British Government went into effect on the 1st of April last. During the war and subsequent, the butter market in England was controlled by the British Government. On the 1st of April last, they relinquished control, and there was a great deal of butter that they had on hand, in storage, placed upon the market, and that has had a depressing effect. The result has been not only to shut out shipments from Canada to England but to cause New Zealand butter which would otherwise have gone to England to come to Vancouver to try and get a market there."

The following discussion at p. 1684 sums up the complaint and the relief desired:—

"The Assistant Chief Commissioner: Just another question, Mr. Scott. You spoke of rates to Vancouver and of rates to Montreal. I take it the movement to Vancouver is the more important one. You speak of New Zealand butter competition, but at Montreal you are directly adjacent to or in the short haul movement to the Eastern Townships.

"Mr. Scorr: Yes, Montreal, of course, is pretty well supplied by a

very good producing territory.

"The Assistant Chief Commissioner: So then, I take it, the essence of your complaint is the question of getting something analogous to a commodity rate to meet the water competition of New Zealand butter at Vancouver.

"Mr. Scott: Yes, at the moment that is the most serious portion of the problem; but our desire to get low rates to Montreal, or lower rates than at present exist to Montreal, is founded on the intention to stimulate exports to Great Britain."

The present rates are considerably below the peak reached in September, 1920. Taking typical shipping points, the situation with regard to the butter rates under complaint may be summarized as follows:—

			Vancouver n cents per		
From	1917	Pe	eak—1920	Present rate	
Calgary. Edmonton. Moose Jaw. Winnipeg.	91 91 137 147		154 154 231½ 248½	137 137 192½ 221	
			To Montreal es in cents per 100 lbs.)		
	1917	Peak 1920	Effective December	Effective June 8, 1922 (When for export)	
Calgary Edmonton. Moose Jaw. Winning	194 194 154 108	345 345 277½ 200	307½ 307½ 247½ 178½	246 246 210 161	

In comparison with other traffic moving under class of commodity rates (except certain articles of low-grade traffic), butter has not been subjected to any greater increase and has received equal decrease (greater, in the case of shipments to Montreal for export) since the peak in 1920. Attention is directed to the establishment by the railways, since the hearing, of reduced rates on butter from western Canadian points to Montreal for export, effective June 8, 1922. These rates reduced those complained of at the hearing by the following percentages: From Manitoba points, 10 per cent; from Saskatchewan points, 15 per cent; from Alberta points, 20 per cent. The reduction has been graded in case of the higher rates for the longer hauls.

The production and value of creamery butter, taken from the records of the Dominion Bureau of Statistics, for the three Prairie Provinces, are given below:—

#### MANITOBA

Year	Creamery Butter					
1900. 1907. 1910. 1915. 1916. 1917. 1918. 1919. 1920. 1921.	lbs. 1,557,010 1,561,398 2,050,487 5,839,667 6,574,510 7,050,921 8,436,962 8,268,342 7,578,549 8,541,095	\$ 292,247 388,427 511,972 1,693,503 2,038,109 2,595,472 3,897,476 4,350,693 4,282,731 3,253,057	cts. per lb. 18.76 24.87 24.96 28.99 31.00 36.80 46.19 52.61 56.51 38.08			
SASKATCHEWAN						
1900 1907 1910 1915 1916 1917 1918 1919 1920 1921	143,645 132,803 1,548,696 3,811,014 4,310,669 4,220,758 5,009,014 6,622,572 6,638,656 7,030,053	29,362 36,599 381,809 1,055,000 1,338,180 1,575,965 2,221,403 3,495,172 3,727,140 2,552,698	20·44 27·55 24·65 27·68 31·04 37·33 44·34 52·77 56·14 36·31			
1900. 1907. 1910. 1915. 1916. 1917. 1918. 1919. 1919. 1920. 1921.  Note.—The figures for 1921 are preliminary, being subject to	601, 489 1,507,697 2,149,121 7,544,148 8,521,784 8,943,971 9,063,237 11,822,890 11,821,291 12,929,264	123,305 362,782 533,422 2,021,448 2,619,248 3,414,541 4,025,851 6,132,733 6,555,509 4,478,585	20·49 24·06 24·82 26·79 30·72 38·17 44·46 51·87 55·45 34·63			

Note.—The figures for 1921 are preliminary, being subject to final correction when all the returns are omplete.

The matter as presented is not based on the contention that the rates are put of line on butter as compared with other commodities, or that butter is paying an inordinate proportion of the increase in rates, which was found ecessary, as compared with the burden on other commodities. The reasonable-ess of the rates as railway rates, bearing in mind the question of railway costs,

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was not attacked. The application was, in substance, the contention that because the selling price of butter had gone down since the rates were increased

the rates should be accordingly reduced.

The principle of charging what the traffic will bear is one of the factors which has been recognized in connection with rate regulation. At the same time, it has not been accepted as the only factor. If a reduction in the price of a commodity is to renometically bring with it a reduction in the rate, it would lovedly follow that an increase in the price of a commodity would automatically earry with it an increase in the rate. This principle has not been accepted by in flowed is valid. The mare ability of an article to pay, aside from the question of whether the increase in revenue to be derived from the increased rate is justifically macessary, is not a conclusive justification for an increase in rate. In the increase in rate, which Canada is, a had to face, the increase in rates was not made at the same time as prices went up. A considerable period of time clapsed before the rates were increased, and the justification for the increase was the increased cost to which the railways were subjected.

In the application, there is apparent the idea that the needs of a shipper in respect of carrying on his business on a profitable basis afford a criterion of

reasonableness of rates.

In Canadian Portland Cement Co. vs. G. T. and Bay of Quinte Ry. Cos., 9 Can. Ry. Cas., 209, reference was made to the fact that coal entered largely into the cost of production of the output of the applicants, who had to compete in open markets with similar factories who were also to be accorded more favourable treatment. The Judgment held that the "equality" section of the Act was concerned with traffic conditions and not with the equalization of the costs of production; and it was also further set out, at p. 211:—

"It is no part of the obligations of the railways, under the Railway Act, to equalize costs of production through lowered rates so that all may compete on an even keel in the same market."

The same position was set out in Dominion Sugar Co. vs. Can. Freight Assn., 14 Can. Ry. Cas., 188. There, at p. 195, the following language is to be

found.

"In developing his position, counsel for applicant said in substance he desired to average up the total of the raw sugar rates in and the refined sugar rates out. He contended that it was unfair to blanket the refined sugar unless the raw sugar was also blanketed. Coupled with his references to the position said to exist as to waterborne transportation of raw sugar into Montreal, it would appear that this is a contention that aside from any question of the reasonableness of the rates railways are required through reduction of rates to place manufacturers situated in different sections of the country on an even keel as to costs of production. But the Board has already held that this position is untenable: Canadian Portland Cement Co. v. Grand Trunk and Bay of Quinte Ry. Cos., 9 Can. Ry. Cas., 211.

The matter was also developed in Western Retail Lumbermen's Assn. vs. C.P., C.N. and G.T.P. Ry. Cos., 20 Can. Ry. Cas., 155, where the following language was used; at p 158:—

"A railway company is not called upon so to adjust its rates that the shipper will always be able to carry on his business at a profit. The rate is only one item in the shipper's costs. The obligation of the railway company is to charge a reasonable rate. It is not called upon, through

the reduction of a rate, to guarantee that the business will be carried on at a profit. In other words, the needs of the business and the way in which it is carried on are not the measure of the reasonableness of the rate."

The burden is on the railway of maintaining reasonable rates. The needs of the producer as affected by changed commercial conditions do not afford a

final measure of what a reasonable rate should be.

The matter was also developed from the standpoint of competition existing at Vancouver and Montreal. As already indicated, reduced rates have been filed, since the hearing, by the railways on the export movement by way of Montreal. At Montreal, so far as local consumption is concerned, the butter production of the Eastern Townships must be borne in mind; as already indicated, what is complained of at Vancouver is the competition of New Zealand butter.

The two phases of competition involved then are water and market competition. So far as competition in general is concerned, it has to be recognized that a carrier is not obligated to meet a lower rate made by a competing foreign road; and failure to meet it is not necessarily evidence of the unreasonableness of the higher rate.

Dominion Sugar Co. vs. Can. Frt. Assn., ut supra. pp. 191, 192.

A toll obtaining on one railway cannot be claimed to be unjustly discriminatory simply because a toll on another, which is put into effect for competitive reasons, is lower, it being within the discretion of the carrier whether it shall meet competition or not.

Edmonton Clover Bar Sand Co. vs. G.T.P. Ry. Co., 17 Can. Ry. Cas., 95.

See also in Re Passenger Tolls, 20 Can. Ry. Cas., 223.

Turning now to the matter of water competition, the Board held in *Blind River Board of Trade Case*, 15 Can. Ry. Cas., 146, that in the case of a compelled toll based on water competition, it is the privilege of the carrier, in its own interest, to meet water competition; but it is not the privilege of the shipper to demand less than normal tolls because of such competition which the railway in its discretion does not choose to meet. The decision in question summarized the decisions of the Board on water competition down to that date.

In Dominion Sugar Co. vs. G.T., C.P., C.W. and L.E. and Pere Marquette

Ry. Cos., 17 Can. Ry. Cas., 240, it was stated at pp. 244, 245.

"A very elementary principle followed by all rate-regulating commissions is, that while companies may put in rates to meet water competition, they cannot be compelled to do so. . . . . "

See, also, in this connection Nanaimo Board of Trade vs. C.P.R. Co., 20 Can. Ry. Cas., 224; Bowlby vs. Halifax and Southwestern Ry. Co., Ibid 231; and Boards of Trade of Montreal and Toronto and Canadian Manufacturers' Assn. vs. Canadian Freight Assn., 21 Can. Ry. Cas., 77.

So far, then, as water competition is concerned, it is in the discretion of the railways to make special reductions to meet this, and the fact that a reduction may not be made to meet water competition is not of itself evidence of the unreasonableness of the existing rate, in the absence of evidence pointing thereto.

Evidence indicating the unreasonableness of the existing rate aside from the water competitive situation has not been adduced. As was pointed out at the hearing, pp. 1700-1701:—

"The Assistant Chief Commissioner: It seems to me that this case differentiates entirely from Mr. Symington's case. You say, quite frankly, that from the standpoint of cost of operation you are not attempting to approach the case in that way at all.

"Mr. Scott: That is a sort of second string.

"The Assistant Chief Commissioner: But you cannot play two strings. We have had no evidence as to the cost of service to the railways.. Your argument is entirely what your clients can afford to pay for the service."

Turning to the question of market competition, in Montreal Produce Merchants' Association vs. G.T. and C.P.Ry. Cos., 9 Can. Ry. Cas., 232, the Board has before it a number of complaints involving, inter alia, the allegation that cheese and bacon are complementary commodities, and that the price of cheese is regulated in England by that of bacon. It was urged that this should be considered in Canada in fixing the rate basis; and it was held, at p. 240, after referring to the English and American authorities, that this was a phase of the competition of markets and that it was in the discretion of the railway whether it should or should not make rates to meet competition of markets.

In a complaint made February 1st, 1910, by the British Columbia Sugar Refining Company vs. Can. Pac. Ry. Co., 10 Can Ry. Cas., 169, at pp. 172, 173,

the Board ruled:-

"It is entirely in the discretion of the Canadian Pacific Railway whether it shall meet on the movement of sugar from Vancouver to Winnipeg and other points mentioned in the complaint the rate introduced by the Pere Marquette from Wallaceburg to the same points; and the parties should be so advised.

"This principle does not relieve the railway with the higher rate from attack on its rates as unreasonable; but the fact that it does not reduce its rates to meet the rates of its competitor does not afford any essential measure of the unreasonableness of the rates which it is charging."

Dominion Sugar Co. vs. Can. Frt. Assn., 14 Can. Ry. Cas., 188, at pp. 191, 192.

See also Canadian Oil Cos. vs. G.T., C.P., and C.N.R. Cos., 12 Can. Ry. Cas., 350, at p. 356.

It was also held in Graham Co. vs. Can. Freight Assn., 22 Can. Ry. Cas., 355, at p. 359.

"The Board has more than once held that it is within the discretion of the railway whether it shall or shall not make rates to meet the competition of markets."

See the citations therein referred to.

Where, as in the present instance, an application is launched turning upon the question of water competition and market competition, there are two ways of establishing a case:—

(1) Evidence may be adduced showing that the railway rates as rates place an unrer-sonable burden upon the commodity concerned as compared with other commodities. This has not been done, nor has it been alleged that there is an

unreasonable burden from the railway rate standpoint. As already indicated, what has been emphasized is the question of the need of the producer.

(2) In the absence of an attack upon the reasonableness of the rates, then it may be alleged that the rates are unjustly discriminatory. It has not been

established that the rates involved are unjustly discriminatory.

Counsel submitted that having in mind "the necessity of developing mixed farming in Alberta" the rates were excessive. That is to say, the need of diversifying agricultural production was to be taken as a criterion of what the rate should be.

At page 1680 of the evidence, counsel made an argument in this respect, from the standpoint of public policy, as to the necessity of stimulating milk production. At the same time, he frankly stated in this connection, "Of course, this is an argument that should be made more to the railways than to the Board...."

In discussion as to what had taken place in regard to Live stock rates, which were referred to as affording an analogy, the following comment of Commissioner Rutherford, at p. 1701 of the evidence, is pertinent:—

"COMMISSIONER RUTHERFORD: That is what made me refer to the fact that the live stock reductions were brought about by conference with the railway companies, and I cannot help thinking that if you are going to make a compassionate appeal the proper place to make that appeal is to the railway companies rather than to the Board."

The method of presentation involved in this phase of the matter is not unusual, and on this account a word of comment making clear the nature of the jurisdiction of the Board is justifiable. The Board is given power to deal, inter alia, with the reasonableness of the rates. It is nowhere authorized by Parliament to be an arbiter of industrial policy. Opinions may differ as to different lines of development, but the Board's functions in approaching a rate situation are concerned with ascertaining the reasonableness of the rate, not with applying to a rate situation a preconceived opinion as to what type or method of industry should be helped by a modification of the rate.

In other words, while members of the Board may and do, as Canadians, sympathize with policies of economic development which may through increasing diversity lead to greater economic solidarity, it is not their general opinions but the powers conferred on them by the Railway Act which determine what they can do. Very wide powers, it is true, are given under the Railway Act; but the Railway Act is not to be construed as if it were a blank cheque to be filled in as members of the Board see fit. It is not the Board's function, as delegated by Pariament, to make rates to develop business, but to deal with the reasonableness of rates either on complaint or of its own motion.

British Columbia News Co. vs. Express Traffic Association, 13 Can. Ry. Cas., 176, at p. 178.

"Looked at from the standpoint of an experimental rate for the development of business, it must be recognized that an express company in putting in of its own volition a low rate basis to develop business has a greater initial discretion than is possessed by the Board through the medium of its Orders."

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Reference may also be made to application of the Red Deer Valley Coal Operators' Assn., for consideration of rates on coal from Alberta, Board's file 28678.5, published in Board's Orders and Judgments, Vol. 10, p. 66, at p. 70.

In another connection, when it was alleged that international competition had been increased because the Dominion Government had removed the duty, and it was asked that there should be a decrease in Canadian railway rates to offset this, the Board used the following language:—

"In the case before us, while, personally, I have sympathy with the 'territorial sectarianism' which desires industries to be established in one's own country in preference to a foreign country, the matter of sympathy affords no justification for the reduction asked. The existing rate not having been shown to be unreasonable, it is in the discretion of the Canadian railways whether they shall meet these rates and conditions which are, in great degree, due to trade competition, situation advantage, and remission of duties."

Canadian Oil Cos. vs. Grand Trunk, Canadian Pacific and Canadian Northern Ry. Cos., 12 Can. Ry. Cas., 350, at p. 358.

While sympathizing with the conditions involved, the position is that it has been absolutely necessary, on account of the conditions with which all Canadians are acquainted, to increase freight rates. Since the increases were made in 1920, there have been from time to time such decreases in rates as the Board has found justifiable. The commodity herein involved has shared in the general decreases. In addition, as pointed out, a special revision has been made on the movement to Montreal.

On full consideration, it does not appear that at the present time and on

the record before the Board a further reduction can be directed.

APPLICATION OF NATIONAL DAIRY COUNCIL OF CANADA FOR CANCELLATION OF 20
PER CENT INCREASE IN EXPRESS RATES ON CREAM

Judgment of Chief Commissioner, November 21, 1922, concurred in by Assistant Chief Commissioner, Commissioners Boyce, Rutherford and Lawrence.

By General Order of this Board No. 327, dated the 2nd day of February, 1921, the express companies of Canada were allowed to increase their rates and charges as therein set forth, among said increases being a 20 per cent increase on the rates then charged for fish, fruit, vegetables, and cream. In November, 1921, a formal application was made to this Board asking it to reconsider its decision in so far as cream was concerned and place the rates on that commodity back to the point at which they were before the order of February 2, 1921. This application was refused, and the National Dairy Council appealed to the Privy Council of Canada under the provisions of section 52 of the Railway Act. 1919.

The important part of the decision of the Privy Council as found at P.C. 455, dated March 17, 1922, is as follows:—

"There is no appeal from the thirty-five per cent, and twenty-five per cent, increases allowed on the first class and second class rates, and the only matter on appeal is the twenty per cent, increase on the class of express 'commodities,' which include cream. If the rate on cream could be dealt with by itself, it would be comparatively simple, but cream is only one of a variety of goods or merchandise classed for rating pur-

poses as 'commodities', and consisting at least of fruit, fish, vegetables, and cream. The flat increase of twenty per cent, allowed by the Board on February 2, 1921, applies equally to whatever comes within the 'commodity' group, and for that reason it would appear that if there is to be a reduction in the rate on cream, that there should be a further hearing by the Board for the purpose of ascertaining whether or not there should be a reduction on the various other classes of merchandise comprised in the 'commodity' group, and the Committee of the Privy Council is of opinion that in view of the material fall off in the market value of cream a corresponding reduction, if possible, should be made in the express freight rates, and if after hearing further evidence in regard to the various classes of goods included in 'commodities', the Board is of opinion that a general reduction of the 'commodities' rates cannot consistently be made, then and in such case a specific rate should be fixed for the subject matter of this appeal and along the lines hereinbefore suggested. The Committee of the Privy Council for the purpose above mentioned advised that this appeal be referred to the Board for further consideration."

Acting on the direction of the Privy Council, the case was again heard by this Board at Ottawa on the 20th and 21st days of April, 1922, at which hearing the express companies of Canada, the National Dairy Council, and the fish industries were represented by counsel. No person appeared on behalf of the producers and dealers in fruit and vegetables although 152 different persons and firms all over Canada had been notified. Mr. MacIntosh, of the Fruit Branch of the Department of Agriculture, appealed, but took no part in the proceedings, and, therefore, I take it for granted that the producers and dealers in these commodities have no fault to find with present conditions. The hearing consisted entirely of evidence pro and con as to the rates on fish and cream.

As I read the Order in Council, I am forced to the conclusion that His Excellency in Council expressed very strong desire that the rates on cream as well as the other commodities therein mentioned should be reduced, if possible, in view "of the material fall off in the market value", and this phase of the case was argued very strenuously by the representatives of the fish and cream industries and has been before the Board on a number of occasions during the

past two years.

As the opinion of this Board upon this particular phase of rate making was so ably expressed by Assistant Chief Commissioner McLean in his recent judgment on the application of the National Dairy Council of Canada re freight rates on butter east and west of Calgary and Edmenton (file No. 30686.3), I cannot do better than quote that portion of the judgment in full, as follows:—

"The matter as presented is not based on the contention that the rates are out of line on butter as compared with other commodities, or that butter is paying an inordinate proportion of the increase in rates, which was found necessary, as compared with the burden on other commodities. The reasonableness of the rates as railway rates, bearing in mind the question of railway costs, was not attacked. The application was, in substance, the contention that because the selling price of butter had gone down since the rates were increased the rates should be accordingly reduced.

"The principle of charging what the traffic will bear is one of the factors which has been recognized in connection with rate regulation. At the same time, it has not been accepted as the only factor. If a

reduction in the price of a commodity is to automatically bring with it a reduction in the rate, it would logically follow that an increase in the price of a commodity would automatically carry with it an increase in the rate. This principle has not been accepted by the Board as valid. The mere ability of an article to pay, aside from the question of whether the increase in revenue to be derived from the increased rate is justifiably necessary, is not a conclusive justification for an increase in rate. In the increase in rates which Canada has had to face, the increase in rates was not made at the same time as prices went up. A considerable period of time elapsed before the rates were increased, and the justification for the increase was the increased cost to which the railways were subjected.

"In the application, there is apparent the idea that the needs of a shipper in respect of carrying on his business on a profitable basis afford

a criterion of reasonableness of rates."

He then cited more than a dozen cases decided by this Board showing that no such principle has ever been adopted heretofore, and it seems to me it is unnecessary to go further in showing that it should not be adopted at the present time, because if any such principle were to be laid down, every time the value of a commodity increased or decreased, there would have to be a corresponding increase or decrease in the freight or express rate. While the value of a commodity has always played some part in rate fixing, yet, in my opinion, an important factor should be the cost to the transportation company for adequately performing the service. Nevertheless, as His Excellency the Governor General in Council had asked this Board to hear further evidence in regard to the various classes of goods included in "commodities", a comprehensive investigation was held on the question of the transportation of fish by express, no special reference being made to fruit or vegetables for the reasons hereinbefore explained.

The representatives of the fish industry submitted evidence showing a reduction in the value of the article, claiming that for that reason alone they were entitled to a reduction in the rate. The express companies gave evidence and filed exhibits showing the cost of transporting fish to different parts of

Canada as compared with the rates received from the business.

As is well known, the railway companies furnish the express and refrigerator cars and transport them on their passenger trains, and, in the case of the Canadian Pacific Railway Company, they receive from the Dominion Express Company for this service an amount equal to 1½ times the regular first class freight rate, based upon the actual weight on the several commodities carried. The Canadian National Express Company pays to the Canadian National and Grand Trunk systems 50 per cent of the total receipts from the express business, and pays to the National Transcontinental and Grand Trunk Pacific Railways 40 per cent of the gross receipts, retaining the other 60 per cent for their services.

The recognized method by which they arrive at the cost of carriage, both in Canada and the United States, has been the cost to the railway companies of transporting an express or baggage car one mile. Slightly different methods have been followed in Canada and the United States, but the results have been practically the same in both countries. The method adopted in the United States was developed by the Interstate Commerce Commission. The method followed in Canada for some years past is what is called the Moule method, being a computation arrived at by the late Mr. Moule, Comptroller of the Canadian Pacific Railway Company, who was probably one of the best railway statisticians on the continent, and evidence was given by his successor, Mr. Lloyd, of the Canadian Pacific Railway Company, that he had compiled a statement of the business of the Canadian Pacific Railway for 1921, based upon the Moule formula, in which he found (Exhibit No. 16) that the net operating cost per express car mile was

34.41 cents. To this he added a proportion for taxes, fixed charges, and dividends, amounting to 8.75 cents, and a ratio for a margin of 2 per cent on common stock of 1.17 cents, making the amount which he contended the Canadian Pacific Railway should receive for each express car mile 44.33 cents, but for the purposes of this investigation the important part is the fact that the actual operating cost amounted to about 34½ cents per car mile. He stated that the total revenue per car mile received by the Canadian Pacific Railway Company from the Dominion Express Company was 39.86 cents per car mile, thus leaving something over 5 cents per car mile, over and above actual operating costs.

Mr. J. F. Aitchison, auditor of disbursements for the Grand Trunk Railway Company, stated that he had prepared a statement of the cost per express car mile on that system, based upon the Moule formula, with which he was very familiar, and for that road the actual cost would be 40.312 cents per car mile (Exhibit No. 17), and Mr. A. P. Mallory, Statistician of the Canadian National Railways, stated that he had prepared a statement for the Canadian National Railways upon the same formula in which he found that the cost per car mile

would be 42.711 cents (Exhibit No. 18).

Mr. C. N. Ham, Secretary of the Express Traffic Association, gave evidence on the carriage of fish from Mulgrave to Montreal and Ottawa and also from Prince Rupert to Montreal, and, as both these movements are the most characteristic of the long haul fish business in Canada and are both exclusively upon Canadian National lines, in his figures he took the Canadian National costs as his basis. He showed that, on a movement from Mulgrave to Montreal, a distance of 980 miles, the revenue on a 20,000 pound car, net weight, of fish at \$1.80 per 100 pounds would amount to \$360, and the cost of hauling that car on the Canadian National Railways on the basis of Mr. Mallory's figures would be \$380.12, or \$20.12 more than the total revenue received by the express company for the service (p. 4351). In this case, the express company would pay onehalf the total revenue to the Canadian National Railways. In other words, the railway company would receive \$180 for transporting the carload of fish from Mulgrave to Montreal, and, according to the figures of their Statistician, the actual cost to the railway company would be \$380.12, the result being that, while the express company would receive a reasonable amount for their share of the transportation, the Canadian National Railways would receive less than onehalf the actual cost of transporting the goods; and he also stated that this took no account whatever of the cost of the empty return movement, which was stated to be considerable, although we have no actual evidence of the percentage as compared with the total loaded movement outward.

It also appeared that, while the majority of the fish from this particular point moved in carload lots, yet l.c.l. lots were forwarded on exactly the same rate, and, if 50 per cent of the full movement was required for the return of the empties, it would bring the cost to the railway company up to \$570, for which

they would receive from the express company ony \$180.

Mr. Ham also gave a like comparison on a carload of fish from Prince Rupert to Montreal, a distance of 3,124 miles, with a carload of 25,000 pounds or which the express company would receive a total of \$1,070. Figuring the cost to the railway company on Mr. Mallory's basis, it would amount to \$1,334.26, but the railway company would receive from the express company inly \$535. If we added 50 per cent for the empty return movement, it would oring the total cost up to over \$2,000, or nearly four times as much as the Lanadian National Railways actually receives (p. 4356).

Mr. Ham also filed a number of exhibits, numbered from 24 to 27 inclusive, howing the express rates from and to the important centres in Canada and

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showing a comparison between the express rate on fish, which, it must be remembered, is transported on passenger trains, with the first class freight rate and the first and second class express rates, Exhibit No. 24, which is extended herein, is from Mulgrave to various points between Quebec and Windsor, both inclusive, and shows that the present fish rate runs from 31 per cent to 39 per cent of the first class express rate and from 138 per cent to 185 per cent of the first class freight rate.

# EXHIBIT No. 24

STATEMENT showing comparison of express rate on fresh fish with freight and express class rates from Mulgrave, N.S.

	Е	xpress Rate	es				
То	1st Class Freight Rate	1st • Class	2nd Class	Fresh Fish Rate (Net Weight)	Per cent Fish Rate is of 1st Class Freight Rate	Per cent Fish Rate is of 1st Class Express Rate	Per cent Fish Rate is of 2nd Class Express Rate
Quebec	108 115 122 125½ 133 137 140 155	485 540 595 640 660 680 700 730 770	335 375 410 445 460 475 485 505 535	150 180 190 210 210 210 230 240 300	138 · 88 156 · 52 155 · 73 167 · 33 157 · 89 153 · 28 164 · 28 154 · 83 185 · 18	31 33 32 33 32 31 33 33 33	45 48 46 47 46 44 47 48 56

This is characteristic of other exhibits showing the rates from and to different parts of Canada, all showing about the same results.

All the witnesses for the express companies were cross-examined by counselfor the applicants, but no evidence was given contradicting any of that herein-

While probably the evidence upon the question of cost to the transportation companies should be sufficient, yet the Board was anxious to know something more about the fish business in Canada, and, therefore, of its own motion, asked a number of questions tending to show the amount paid the producer, that paid by the consumer, and the portion of the spread accounted for by express rates, and, while there was much evidence given. I think probably that with reference to steak cod would be characteristic of the whole, although possibly the spread would be a little greater than it would with haddock or some of the cheaper fishes, but substantially the same conditions prevail in the handling of all the different kinds of fish that play a part in this investigation.

The witnesses from whom this information was received were W. R. Spooner, wholesale fish merchant of Montreal; D. J. Byrne, General Manager, Leonard Fisheries, Limited, Montreal; A. H. Brittain, Managing Director, Maritime Fish Corporation, Montreal; and G. W. C. Binn, an employee of the Fish Department of the Canadian Packing Company, Ottawa. The manner of handling the fish is described by Mr. Spooner on pages 4162, 4163, 4164, and 4165 of the evidence, and while it would be too long to quote in full, yet the substance, so far as refers to codfish, is as follows:—

The fish is produced partly by the big firms themselves, either by operating boats or by employing others to do the work for them under contract, which

was referred to as "grubstaking", which means that the company makes advances to the fishermen to enable them to carry on the business, but, no matter whether the fish was produced by the ordinary fisherman or by the company, it was admitted that the price to the producer at a shipping point in the Maritime Provinces would be from 4 cents to  $4\frac{1}{2}$  cents per pound, as I understand it, with the head on (p. 4162), although that phase of it is somewhat uncertain from the evidence. The fish is then sold by the fish company, called the "producer", to an intermediary in Montreal, at an average price of 7½ cents per pound, which included express charges, which amount to 1.8 cents to Montreal and 1.9 cents to Ottawa. It will thus be seen that, while the company or producer pays an average of 41 cents to the fisherman and 1.8 cents express rate, or a total of 6.05 cents, it receives 7½ cents for the goods in Montreal, or a spread just a fraction under  $1\frac{1}{2}$  cents per pound. The intermediary sells to the retailer at from 8 cents to 9 cents a pound (p. 4164). Taking this on an average of 81 cents, it means another cent spread, or, if sent to Ottawa, 10 of a cent less, because the express rate is that much greater than to Montreal, and, according to the evidence of Mr. Binn (p. 4309), the consumer was paying 16 cents for steak cod, which, of course, would mean with the head severed. I do not know to what extent this would reduce the spread, but probably on an average it might be from 1 cent to 2 cents.

The express rate, before the judgment of February, 1921, on fish from the Maritime Provinces to Montreal was  $1\frac{1}{2}$  cents per pound, and, as it was increased to 1.8 cents, the increase would amount to  $\frac{3}{10}$  of a cent per pound, and, when we consider that fish which netted the producer  $4\frac{1}{4}$  cents per pound on an average, with 1.9 cents express rate to Ottawa, costs the consumer from 14 cents to 15 cents a pound, one can imagine what proportion of the  $\frac{3}{10}$  of a cent increase, if remitted, would go to either producer or consumer of this very important commodity. While the more detailed information was not given regarding haddock and other fishes, yet the manner of handling is the same as with respect to cod and the spread between producer and consumer is in about the

same proportions.

Therefore, considering this question either from the standpoint of the cost to the transportation companies for carrying the traffic or from the benefits to be derived by either producer or consumer, I fail to see where this Board would be justified in changing the rate fixed by this Board in its order of February, and, so far as fish is concerned, the rate should remain as it is until such time, which we all hope will soon arrive, when there may be a general reduction in express rates in Canada.

His Excellency the Governor General in Council, in referring to cream,

stated as follows:—

"and the Committee of the Privy Council is of opinion that in view of the material fall off in the market value of cream a corresponding reduction, if possible, should be made in the express freight rates.."

It would be physically possible to carry cream absolutely free, but I cannot imagine His Excellency wished to convey any such idea, and, therefore, I must construe that sentence to mean if possible following any well recognized principle of rate regulation, and, therefore, in order to meet the views of the appellate court, I think we must consider whether it would be possible, following any well recognized principles, to make a reduction of the whole or even a part of the increase in cream in the judgment of 1921.

Evidence on this particular phase of the case was given by Mr. McDonnell, General Manager of the Dominion Express Company, Mr. Burr, Traffic Manager

of the same company, and Mr. Muir, General Manager of the Canadian National Express Company. In arriving at a conclusion as to whether a rate can be reduced or not, or even whether the same be reasonable, any ratemaking tribunal must take some note of the business methods employed by the company in carrying on the business, the wages paid to its employees, and, generally, must be satisfied that the business is conducted in a reasonably economical and businesslike manner, and, while this Board has no jurisdiction over the wage question, yet it was very fully discussed by both Messrs. Mc. Donnell and Muir (p. 4248 and p. 4265 respectively).

Mr. McDonnell stated as follows (p. 4248):-

"Q. You say you have done everything possible to bring about

economy in administration. What have you done?

"A. We have reduced our staff, and I think we have gotten a greater efficiency from the staff we have retained. We have checked very carefully all our expenditures and reduced them; we have gotten along without many things we would have been glad to purchase if we had the money.

"Q. Give some of them.

"A. Additional buildings and facilities.

"Q. Can you give us any further details of how you economize, or how you have economized, or is a general statement the best you can

give us?

"A. I think I shall rest on the general statement that as vicepresident and general manager of the company I have watched every expenditure that we could control and have kept it at the lowest possible figure consistent with the service the public demands of us.

"Commissioner Boyce: You have maintained the efficiency of the

service?

"A. Yes sir."

And Mr. Muir stated (p. 4265) as follows:—

"Q. Before passing to the particular people with whom you made the comparison, what is your own opinion as to the reasonableness of the present wages; in other words, the express companies are before the Board justifying the existing rates. As everybody knows, the cost of living has come down to some considerable extent during the past year. Having regard to that, Mr. Muir, do you think that the rates of wages of your men could be reasonably lowered, so as to assist the companies in making different express rates, or what is your opinion upon that subject?

"A. I do not think they could be reasonably lowered beyond the present point, with any degree of fairness to the employees, in our desire to obtain efficiency of service and the contentment of our employees, having them satisfied with conditions, which all tends to economy."

In addition to this, both companies filed statements showing the wages paid to the several classes of employees below that of route agent, which would include about 95 per cent of the total employees of the companies, and showed that they were not in excess of the wages paid to men performing similar services by some of the large departmental stores of Canada. Counsel for the applicants cross-examined on all these statements, but in conclusion expressed no opinion that they were in any cases higher than the services warranted, and, therefore, I must conclude that these companies are intelligently and economically operated, and any conclusions arrived at herein are based upon such premises.

It must also be remembered that the commodity rates on cream are the lowest of any express rates in existence in Canada to-day. On this point the evidence of Mr. Burr, Traffic Manager of the Dominion Express Company (p. 4326), is as follows:—

"I think I should mention that this traffic, the cream traffic, has had the benefit of specific rates for a great many years, which specific rates are very much lower than any other commodity rate in existence, any other commodity rate applying on our lines. They have had the benefit of this concession, this special advantage, for over thirty years. In those thirty years there has been but one increase, and that was in February, 1921.

"The CHIEF COMMISSIONER: Have there been any decreases in

those thirty years?

"A. There have been adjustments, which amounted to decreases."

Mr. Burr stated that they had made a complete study and analysis of the cream movement by the Dominion Express Company of the 18th day of May, 1921, explaining they had taken this day not for any special reasons but as a fair average of the movement of this commodity. The 18th day of May was in the middle of the week, in the middle of the month, a month not when the cream movement was at its height nor at its minimum, but, generally speaking, a fair average day. The result of this study was codified in Exhibit No. 22, which is as follows (p. 4329):—

# EXHIBIT No. 22

# May 18, 1921

	Cans.	Weight	Express Rev. Actual	2nd Class	Freight 1st class lb. rates	Freight 1st Class at Min.
(5) (8) (10)	2,039	122,340 138,900 17,040	598 · 85 537 · 65 63 · 67	$\begin{array}{c} 1,369\cdot 91 \\ 1,320\cdot 05 \\ 161\cdot 22 \end{array}$	645·81 718·95 86·78	$1,120 \cdot 06$ $769 \cdot 78$ $87 \cdot 89$
	3,570	278,280	1,200.17	2,851.18	1,451.54	1,977.73

Ratio to 2nd class Ratio to 1st class frt Ratio to 1st class freight and min	82.0
Average weight per can Average charge per can by express (actual) Average charge per can by express (2nd class). Average charge per can by freight (1st class lb. rates). Average charge per can by freight (with min.).	33.6 cents. 79.8 " 40.6 "
Average charge per 100 lbs. by express (actual)	.102.4 "52.1 "71.0 " express charge. ss. ss. by express

It will, therefore, be seen that the total number of cans handled on that day was 3,570, the weight 278,280 pounds, and the actual revenue received, \$1,200.17. If this same quantity of cream had moved on the second class express rate, it would have produced a revenue of \$2,851.18. If moved by

first class freight on the actual number of pounds, the revenue would have been \$1,451.54, and if moved by freight on the first class on mimimum rates for the quantities as carried, the revenue would have been \$1,977.73. In other words, the actual money received for the carriage of this cream was only about \$\gamma\_{7}\$ of what a railway company would have received had the same been carried by first class freight on the actual number of pounds transported. A continuation of the same Exhibit was filed, showing further explanations and recapitulations in detail with 5, 8, and 10 gallon cans, but, as they produce the same results, it is unnecessary to repeat them here.

It was shown that the charges for transporting an 8 gallon can of cream one hundred miles, which can contains about 80 pounds of cream and 16 pounds for the container, under present rates is 43 cents with 6 cents for the return of the empty can, making a total for the 8 gallons of cream of 49 cents, or something less than \frac{1}{2} cent a pound on the combined weight of the cream and can outward and the can inward, whereas the old rate was 36 cents outward and 5 cents for the return of the empty. It was admitted by all parties at the hearing that the average haul would be about 100 miles, that the average butter fat would be about 25 per cent, or 20 pounds, in an 8 gallon can, and that, at the date of the hearing, the butter fat was worth from 36 cents to 37 cents a pound, which, at the lower figure, would amount to \$7.20, the net result being that a commodity worth \$7.20, weighing 96 pounds outward and 16 pounds inward, is being carried by the express companies on a passenger train a distance of 100 miles for 49 cents, or just a fraction over 6 cents per gallon, and that the increase complained of amounts to 8 cents on a commodity worth at least \$7.20; and, in addition to this, it was also admitted that a percentage not actually stated, but a considerable percentage of this cream, known as "sweet cream" and used for household and ice cream purposes, etc., was worth 55 cents per pound butter fat instead of 36 cents, which would increase the value of the commodity and to that extent reduce the ratio of rate received by the express company for its carriage. I am again compelled to wonder how much of this 8 cents, if remitted, would ever accrue to the benefit of either producer or consumer.

During the argument, Mr. Scott, counsel for the applicant was asked by myself the following question (p. 4447):—

"The Chief Commissioner: Any way, you can understand the information that I would like to have, or rather the phase of the question I am very much concerned in, because I appreciate this has been sent back here by the Court of Appeal in which they have very clearly expressed their wish, and I would like to have you point out to us how we can consistently comply with that wish."

To which he answered as follows:-

"Mr. Scott: If you come to the conclusion that every pound of express that is moved by an express company must bring in a profit to the company, and if the evidence given by the express company is correct, I do not see how you can do it."

But he also expressed his opinion on p. 4443 as follows:—

"I would like also to call the attention of the Board to the fact that the revenues of the companies are extremely small in the case of fish or milk. Their shipments are small in percentage, and, bearing in mind the volume and their revenues, the 20 per cent we ask on fish or cream will have no appreciable effect at all upon the revenues of the

companies. If it was a larger amount and a more serious matter, perhaps the other arguments I urge as to why the reduction should be made might not be given the weight that I submit they should be given in this case.

"If it meant anything more serious to the companies, it might be another matter, but in this particular case where it means nothing as far as the companies' finances are concerned whether they get this 20 per cent or not, yet where it means so much to the producers in both cases, and where it means the stimulation of a traffic which undoubtedly must be a benefit to the express companies, because they maintained these commodity rates long before the Board of Railway Commissioners was established, when they had it in their hands to do as they liked, and in that way it must be assumed that they want this business to continue, that is must be continued, that the business will be obtained at some time, even though not at the moment, therefore, it should not be too harshly dealt with."

With this argument and conclusion. I am unable to agree, because, if carried to its logical conclusion, any article which moved in very small quantities should be carried at a non-paying rate simply because in the end it would amount to very little as compared with the total revenues of the companies. It seems to me the proposition has only to be stated in order to refute itself, because an express company is the means of transportation provided under our railway system of carrying innumerable small articles on passenger trains for the purpose of expediting their movement and delivery, and, once such a principle were established, it would have to be universally followed.

When we consider that cream is carried at the lowest express rate of any commodity in Canada to-day, that it is much lower than the first class freight rate, that there has been but one increase of 20 per cent in thirty years or more, and that no more cogent justification can be advanced for the remission of this increase of 20 per cent than has been presented in this case, I am forced to the conclusion that it is not possible from any rate regulating standpoint to comply with the request of the applicants in this case, notwithstanding the wish expressed by His Excellency in Council, and, therefore, I think the application should be

dismissed

Freight-

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# APPENDIX "B"

# REPORT OF THE CHIEF TRAFFIC OFFICER OF THE BOARD, W. E. CAMPBELL, FOR THE YEAR ENDING DECEMBER 31, 1922

Sir,—I have the honour to submit a memorandum of the freight, passenger, express, telephone, telegraph, and sleeping and parlour car schedules filed with the Board from November 1, 1904, when, by order of the Board, under the authority of section 311 of the Railway Act, 1903, the railway companies commenced filing their tariffs, to December 31, 1921; and from January 1, 1922, to December 31, 1922, inclusive; also, of the more important orders relating to traffic, issued by the Board to December 31, 1922:—

SCHEDULES RECEIVED FROM NOVEMBER 1, 1904, TO AND INCLUDING DECEMBER 31, 1921

Local tariffs. Supplements.	16,702 33,807	#0 #00	
Joint tariffs	36,380 106,488	50,509	
International tariffsSupplements	129,783 395,261	142,868	
Passenger		525,044	718,421
Local tariffs Supplements	$17,143^{\circ}$ $21,958$	39,101	
Joint tariffs. Supplements	15,416 24,987		
International tariffs	29, 183 58, 529	40,403	
Express—		87,712	167,216
Local tariffs. Supplements.	· 6,023 57,233	63,256	
Joint tariffs. Supplements.	6,275 23,016		
International tariffs. Supplements	5,976 6,961	29, 291	
Telephone—		12,937	105,484
Local tariffs	2,528 1,992	4 500	
Joint tariffs. Supplements.	3,496 26,202	4,520	
International tariffsSupplements	429 9,719	29,698	
Telegraph—		10,148	44,366
Tariffs. Supplements.	173 200	373	
Sleeping and Parlour Car-			373
Local tariffs. Supplements.	187 243	430	
Joint tariffs. Supplements.	170 292		
International tariffsSupplements	256 759	462	
-		1,015	1,907
Combined totals, all Schedules			1,037,767
			2,001,101

SCHEDULES RECEIVED FROM JANUARY 1, 1922, TO AND INCLUDING DECEMBER 31, 1922

31, 1922			
Freight—			
Local tariffs Supplements	1,533 3,308		
Joint tariffs Supplements	4,465 14,286	4,841	
International tariffs Supplements	12,674	18,751	
-	35,856	48,530	72,122
Passenger—			
Local tariffs. Supplements.	1,264 1,607		
Joint tariffs Supplements	1,688 2,380	2,871	
International tariffs Supplements	3,150	4,068	
~appenditus	5,898	9,048	15,987
Express—			
Local tariffs. Supplements.	55 <b>1</b> 86		
Joint tariffs Supplements.	102 961	241	
International tariffs Supplements	137 353	1,063	
		490	1,794
Telephone-			
Local tariffs. Supplements.	132 462		
Joint tariffs Supplements.	416 3,512	594	
International tariffs		3,928	
Supplements			
7D-1- 1			4,522
Telegraph— Tariffs	8		
Supplements.	11	19	40
			19
Sleeping and Parlour Car— Local tariffs.	19		
Supplements.	38	57	
Joint tariffsSupplements	52 77	129	
International tariffs. Supplements.	40 116		
_		156	342
Combined total, all Schedules			94,786
Grand Total.			1,132,553

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Summary of Traffic Orders of General Interest Issued During the Year Ended December 31, 1922

General Order No. 354, January 4, 1922.—Requires all railway companies subject to the jurisdiction of the Board to file tariffs showing a charge of one cent per 100 pounds for the stop-over privilege on all grain for storage, milling, malting, or other treatment; such privilege to be granted for all grain produced in Canada, subject to a reasonable charge for out-of-line hauls.

No. 31971, January 4, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Schomberg Telephone

Company, operating in the Counties of Simcoe and York, Ont.

No. 32025, January 14, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Canadian Telephone Company, operating in the Counties of Compton and Wolfe, Que.

No. 32026, January 14. 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Dawn Municipal Telephone System, operating in the Counties of Lambton and Kent, Ont.

No. 32027, January 14, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Elmsley South Rurai Telephone Company, operating in the Counties of Leeds and Lanark, Ont.

No. 32028, January 14, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Hazeldean Rural Telephone Company, operating in the County of Carleton, Ont.

No. 32029, January 14, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Grattan Number Seven Telephone Association, operating in the County of Renfrew, Ont.

No. 32030, January 14, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de

Telephone d'Yamaska, operating in the County of Yamaska, Que.

No. 32048, January 21, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the McKillop, Logan & Hibbert Telephone Company, operating in the Counties of Huron and Perth, Ont.

No. 32063, January 24, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Normanby

Telephone Company, operating in the County of Grey, Ont.

No. 32069, January 25, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ayton Telephone Company, operating in the County of Grey, Ont.

No. 32070, January 25, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Minto Rural

Telephone Company, operating in the County of Wellington, Ont.

No. 32091, February 4, 1922.--Approves Standard Freight Mileage Tariff,

C.R.C. No. 672, of the Chatham, Wallaceburg & Lake Eric Railway.

No. 32105, February 6, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Camden Independent Telephone Company, operating in th County of Lennox and Addingtor, Ont.

No. 32106, February 6, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ravenseliffe

Telephone Company, operating in the District of Muskoka, Ont.

No. 32107, February 6, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Harvey Municipal Telephone System, operating in the County of Peterborough, Ont.

No. 32108, February 6, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Selby Telephone Company, operating in the Counties of Lennox and Addington and Hastings, Ont.

No. 32123, February 10, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Telephone Rurale de St. Angele de Laval, operating in the County of Nicolet, Que.

General Order No. 357, February 14, 1922.—Amends General Order No. 354 with respect to charge for out-of-line haul on Western grain moving all-

rail or lake-and-rail to milling points in eastern Canada.

No. 32160, February 27, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mornington Municipal Telephone System, operating in the Counties of Perth and Waterloo. Ont.

No. 32162, February 27, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Union Telephone Company, operating in the County of Wellington, Ont.

No. 32173, February 27, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Apsley Tele-

phone Company, operating in the County of Peterborough, Ont.

No. 32178, March 1, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Korah Central Telephone

Company, operating in the District of Algoma, Ont.

General Order No. 360, March 6, 1922.—Requires railway companies to amend their tariffs to provide for the allowance, at points east of Fort William, of fifty cents per car door of not less than twenty-one square feet, when furnished by shippers of lime, in bulk.

No. 32194, March 7, 1922 .-- Approves agreement for interchange of telephone service between the Bell Telephone Company and the East Middlesex Telephone Company, operating in the Counties of Middlesex, Oxford, and

Perth, Ont.

No. 32195, March 6, 1922.—Defines the meaning of sections 1 and 2 of General Order No. 234, dated May 22, 1918, with respect to milling in transit arrangements to destinations east of Port Arthur, Fort William, and Arm-

strong, Ont.

No. 32196, March 8, 1922.—Suspends Algoma Central & Hudson Bay Railway Company's tariff C.R.C. No. 585 showing increases in the switching rate on coal from the New Ontario Coal Company's dock to the Canadian Pacific Railway at Sault Ste. Marie, Ont.

No. 32197, March 7, 1922. - Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of

the Township of Maidstone, operating in the County of Essex, Ont.

No. 32211, March 9, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Urban & Rural Telephone Company, operating in the Counties of Kent, Lambton, and Middlesex, Ont.

No. 32212, March 9, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Dunwich & Dutton Telephone Company, operating in the Counties of Elgin and Middlesex, Ont.

No. 32221, March 20, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Tyendinaga Municipal Telephone System, operating in the County of Hastings, Ont.

No. 32233, March 27, 1922.—Approves Standard Mileage Freight Tariffs, C.R.C. No. E-390 and C.R.C. No. E-393, of the Canadian National Railways.

No. 32247, March 27, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Shakespeare Telephone Company, operating in the District of Sudbury, Ont.

No. 32248, March 27, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Iron Bridge

Telephone Company, operating in the District of Algoma, Ont.

No. 32253, March 31, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Wakefield & Masham Telephone Company, operating in the Counties of Ottawa and Pontiac, Que.

No. 32286, April 10, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Glengarry Telephone

Company, operating in the Counties of Glengarry and Prescott, Ont.

No. 32311, April 19, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Harwood Rural Telephone Company.

No. 32320, April 19, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of

the Township of Rochester, operating in the County of Essex, Ont.

No. 32337, April 25, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Victory Telephone Limited, operating in the County of Chambly, Que.

No. 32347, May 1, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Scotch Line & Stanley-ville Telephone Company, operating in the County of Lanark, Ont.

General Order No. 363, May 10, 1922.—Approves proposed Supplement

No. 19 to the Canadian Freight Classification No. 16.

No. 32404, May 17, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the McKillop Municipal Telephone System, operating in the County of Huron, Ont.

General Order No. 364, May 23, 1922.—Prescribes mileage rates to apply on agricultural limestone or stone dust east of Port Arthur, Fort William, and

Armstrong, Ont.

No. 32422, May 23, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ivy-Thornton Telephone Company, operating in the County of Simcoe, Ont.

No. 32441, May 29, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Township of Hay, operating in the County of Huron, Ont.

No. 32442, May 29, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ernestown Rural Telephone Company, operating in the Counties of Lennox and Addington and Frontenac, Ont.

No. 32448, May 31, 1922.—Suspends American Railway Express Company's tariffs C.R.C. Nos. 1333, 1341, and 1344, and item No. 1 in Express Traffic Association tariff C.R.C. No. E.T. 732, as applicable to rates on fruit and vegetables moving from Ontario points

No. 32468, June 5, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Stroud Telephone Company, operating in the County of Simcoe, Ont.

No. 32469, June 2, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and Le Telephone de St. Sebastien d'Iberville, operating in the Counties of Iberville and Missisquoi, Que.

No. 32471, June 2, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Leeds and Grenville Independent Telephone Company, operating in the Counties of Leeds and Grenville, Ont.

No. 32477, June 5, 1922.—Disallows Algoma Central & Hudson Bay Railway Company's tariff C.R.C. No. 585 showing increases in the switching rate on coal from the New Ontario Coal Company's dock to the Canadian Pacific

Railway at Sault Ste. Marie, Ont.

No. 32487, June 13, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the St. Marys, Medina & Kirkton Telephone Company, operating in the Counties of Huron, Perth, Middlesex and Oxford, Ont.

No. 32511, June 19, 1922.—Requires the American Railway Express Company to publish and file a local rate on fruit and vegetables from Fenwick, Ontario, to Hamilton, Ontario, of forty cents per 100 pounds, and rescinds

Order No. 32448.

General Order No. 365, June 24, 1922.—Specifies time in which railway companies will make periodical returns to the Board in respect of the carriage of traffic at free or reduced rates.

No. 32547, June 26, 1922.—Suspends Bell Telephone Company's tariff C.R.C. No. 5383, showing increased telephone rates in the City of Windsor,

Ont.

No. 32549, June 27, 1922 - Approves agreement for interchange of telephone service between the Bell Telephone Company and the Fourth Line of Bathurst Telephone Association, operating in the County of Lanark, Ont.

No. 32550, June 27, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Tiny Municipal

Telephone System, operating in the County of Simcoe, Ont.

General Order No. 366, June 30, 1922.—Requires railway companies in Canada to file tariffs, effective August 1, 1922, showing reduced rates on various commodities, and reduces the standard freight mileage scale in Pacific Territory.

General Order No. 367, June 29, 1922.—Requires that all international express commodity tariffs be amended so as to include a rule to the effect that rates named therein, unless specifically indicated as being competitive, will apply to or from intermediate points in Canada not enumerated in said tariffs.

No. 32566, July 4, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Telephone Rural de Ste. Sabine, operating in the Counties of Missisquoi and Iberville, Que.

No. 32570, July 4, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Perth & Christy's

Lake Telephone Company, operating in the County of Lanark, Ont.

No. 32589, July 8, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Farmers Telephone Company, operating in the Counties of Chateauguay, Huntingdon, Beauharnois and St. Johns, Que.

No. 32613, July 15, 1922.—Approves Standard Freight Mileage Tariffs of the Canadian Pacific Railway, Esquimalt & Nanaimo Railway, and Kettle

Valley Railway, filed in accordance with General Order No. 366.

No. 32615, July 17, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the North Easthope Municipal Telephone System, operating in the County of Perth, Ont.

No. 32627, July 19, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Goderich Municipal

Telephone System, operating in the County of Huron, Ont.

No. 32629, July 20, 1922.—Approves Standard Mileage Freight Tariffs of the Canadian National Railways, Grand Trunk Pacific Railway, Edmonton, Dunvegan & British Columbia Railway, and Central Canada Railway, filed in accordance with General Order No. 366.

No. 32630, July 20, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Everett Telephone

Company, operating in the Counties of Simcoe and Dufferin, Ont.

No. 32633, July 20, 1922.—Approves Tariff of Exchange Rentals and Charges for Service, C.R.C No. 1, of the Eastern Telephone & Telegraph

Company.

No. 32634, July 21, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Balaclava Telephone Company, operating in the County of Grey, Ont.

No. 32635, July 24, 1922.—Approves Standard Mileage Freight Tariffs C.R.C. Nos. 1797 and 1798 of the Great Northern Railway, filed in accordance

with General Order No. 366.

No. 32637, July 24, 1922.—Requires the Grand Trunk Railway Company to publish and file tariffs showing a rate of ninety cents per ton on high calcium limestone from Beachville to Niagara Falls, Ont.

No. 32641, July 24, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Welford Rura! Telephone Company, operating in the Counties of Grenville and Lanark, Ont.

No. 32642, July 24, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Norton & McNab Telephone Association, operating in the County of Renfrew, Ont.

No. 32643, July 24, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Drummond Centre

Telephone Company, operating in the County of Lanark, Ont.

No. 32644, July 24, 1922. -Approves agreement for interchange of telephone service between the Bell Telephone Company and the Madawaska Telephone Association, operating in the County of Renfrew, Ont.

No. 32651, July 21, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Addison Rural Independent Telephone Company, operating in the County of Leeds, Ont.

Independent Telephone Company, operating in the County of Leeds, Ont.
No. 32660. July 28, 1922.—Approves agreement for interchange of telephone service between the Beli Telephone Company and the McNab Telephone Company, operating in the Counties of Renfrew and Lanark, Ont.

No. 32708, July 27, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Little Britain

Telephone Company, operating in the County of Victoria, Ont.

No. 32711. August 2, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Harrietsville Telephone Association, operating in the Counties of Middlesex and Elgin, Ont.

No. 32712. July 27, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Farrelton Rural Telephone Company, operating in the County of Ottawa, Que.

No. 32713, August 8, 1922.—Approves Standard Mileage Freight Tariffs C.R.C. Nos. 2643 and 2644 of the New York Central Railroad Company.

No. 32730, August 6, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mallorytown Telephone Company, operating in the County of Leeds, Ont.

No. 32736, August 5, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the East Wakefield Telephone Company, operating in the County of Ottawa, Que.

No. 32738, August 9, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Wilmot Municipal Telephone System, operating in the Counties of Waterloo and Perth, Ont.

No.32739, August 9, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Ryde Municipal

Telephone System, operating in the District of Muskoka, Ont.

No. 32740, August 9, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Wroxeter Rural Telephone Company, operating in the County of Huron, Ont.

No. 32761, August 11, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Parkhill-Arkona Telephones, Limited, operating in the Counties of Lambton and Middlesex, Ont.

No. 32784, August 23, 1922.—Approves Standard Freight Mileage Tariff

C.R.C. No. 221 of the British Columbia Electric Railway Company.

No. 32785, August 23, 1922.—Approves Supplement No. 2 to Express

Classification for Canada No. 5.

No. 32786, August 22, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Caledon Municipal Telephone System, operating in the County of Peel, Ont.

No. 32787, August 23, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Huron & Kinloss Municipal Telephone System, operating in the Counties of Bruce and Huron, Ont.

No. 32789, August 23, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Rural Telephone Company of Kitley, operating in the County of Leeds, Ont.

No. 32790, August 23, 1922.--Approves agreement for interchange of telephone service between the Bell Telephone Company and the Maple Grove

Telephone Company, operating in the County of Dufferin, Ont.

No. 32792, August 24, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Compagnie Electrique Maniwaki, operating in the County of Ottawa, Que.

No. 32795, August 25, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Bracebridge and Northwood Telephone Company, operating in the District of Muskoka, Ont.

No. 32796, August 25, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Nipissing Municipal Telephone System, operating in the District of Parry Sound, Ont.

No. 32829, September 7. 1922.—Approves Standard Mileage Freight Tariff

C.R.C. No. 89 of the New Brunswick Coal & Railway Company.

No. 32830, September 7, 1922.—Approves Standard Mileage Freight Tariff C.R.C. No. 123 of the Fredericton & Grand Lake Coal & Railway Company.

No. 32867, September 19, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Corporation of the Township of Watt, operating in the District of Muskoka, Ont.

No. 32870, September 19, 1922.--Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lower Bonne-

chere Telephone Company, operating in the County of Renfrew, Ont.

No. 32894, September 26, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Blind Line Telephone Company, operating in the County of Grey, Ont.

No. 32906, September 29, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Lansdowne Rural Telephone Company, operating in the County of Leeds, Ont.

No. 33016, October 21, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Roseville Rural

Telephone Company, operating in the County of Lanark, Ont.

General Order No. 371, November 3, 1922.—Disallows item in tariffs or supplements filed by railway companies increasing the rate on box shooks, in

carloads, pending hearing by the Board.

No. 33049, November 7, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the West Williams Rural Telephone Association, operating in the County of Middlesex, Ont.

No. 33056, November 8, 1922.—Approves Supplement No. 3 to the Express

Classification for Canada No. 5.

No. 33059, November 7, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Home Telephone Company, operating in the Counties of York and Ontario, Ont.

No. 33078, November 10, 1922.—Approves Supplement No. 4 to the Express

Classification for Canada No. 5.

No. 33088, November 14, 1922.—Approves Standard Freight Tariff C.R.C.

No. 1 of the Maritime Coal, Railway and Power Company, Limited.

No. 33089, November 14, 1922.—Approves Standard Passenger Tariff C.R.C. No. 1 of the Maritime Coal, Railway and Power Company, Limited.

No. 33120, November 20, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnic de Telephone du Notre Dame de Ham, operating in the County of Wolfe, Que.

No. 33121, November 20, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Mount Albert Telephone Company, operating in the Counties of York and Ontario, Ont.

No. 33154, November 27, 1922.—Approves Supplement No. 5 to the Express

Classification for Canada No. 5.

No. 33168, November 28, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Commissioners for the Telephone System of the Municipality of the Township of North Algoma. operating in the County of Renfrew, Ont.

No. 33169, November 28, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de

Telephone Local de Ham Nord, operating in the County of Wolfe, Que.

No. 33170, November 28, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Queen's Line Telephone Company, operating in the County of Renfrew, Ont.

No. 33177, November 29, 1922. - Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Telephone de Weedon, operating in the County of Wolfe, Que.

No. 33178, November 29, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Kerr Line Tele-

phone Company, operating in the County of Renfrew, Ont.

No. 33179, November 29, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Telephone Rural de St. Mathieu, operating in the Counties of Laprairie and Napierville, Que.

General Order No. 372, November 24, 1922.—Relieving Railway Companies, for the present, and until further or other order, from reporting the amount of

surcharges collected on international shipments.

No. 33198, December 6, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Drummondville Telephone Company, operating in the Counties of Drummond, Bagot and Yamaska, Que.

No. 33203, December 6, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Atherley Tele-

phone Company Association, operating in the County of Ontario, Ont.

No. 33227, December 15, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Goderich Rural

Telephone Company, operating in the County of Huron, Ont.

No. 33228, December 15, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Commissioners for the Telephone System of the Municipality of the Township of Colborne, operating in the County of Huron, Ont.

No. 33229, December 15, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Commissioners for the Telephone System of the Municipality of the Township of Euphrasia,

operating in the County of Grey, Ont.

No. 33230, December 15, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Chapeau Rural

Telephone Company, operating in the County of Pontiac, Que.

No. 33244, December 26, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the Commissioners for the Telephone System of the Municipality of the Township of Humphrey,

operating in the District of Parry Sound, Ont. No. 33245, December 26, 1922.—Rescinds Orders Nos. 15286 and 15386, dated respectively March 15, 1910, and November 14, 1911, prescribing certain rates to be charged by the Grand Trunk Railway Company and the Michigan Central

Railroad Company on binder twine.

No. 33250, December 28, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and the South Malahide Telephone Company, operating in the County of Elgin, Ont.

No. 33254, December 29, 1922. Approves agreement for interchange of telephone service between the Bell Telephone Company and the North Renfrew

Telephone Company, operating in the County of Renfrew, Ont.

No. 33256, December 29, 1922.—Approves agreement for interchange of telephone service between the Bell Telephone Company and La Compagnie de Telephone Rurale de St. Angele de Laval, operating in the County of Nicolet, Que.

General Order No. 373, December 30, 1922.—Rescinds, until further order, General Order No. 372, dated November 24, 1922, respecting surcharge on international shipments.

# APPENDIX "C"

# REPORT OF THE CHIEF ENGINEER OF THE BOARD, G. A. MOUNTAIN, FOR THE YEAR ENDING DECEMBER 31, 1922

#### ROUTE MAPS

The Canadian Pacific Railway filed and obtained approval of route map from Cutknife, Sask., to Whitford Lake, Alta., mileage 0 to 180.

#### LOCATION PLANS

Plans have been approved showing location of branch lines, most of which are in the western provinces, and are as follows:—

# Canadian National Railways

Dundee Branch, mileage 18-72 to 19-72, Manitoba. Revision.

Prince Albert—Denholm Branch, mileage 0 to 20.81, Saskatchewan. Revision

Canadian Northern Quebec Railway, through Parishes of Ste. Eustache and St. Augustin, Province of Quebec. Revision.

Canadian Northern Quebec Railway, Lachute Subdivision, mileage 35-16 Revision.

Meeting Lake Branch, mileage 0 to 23 01, Saskatchewan. Revision.

Canadian Northern Pacific Railway, mileage 213-74 to 218-64. Revision.

Canadian Northern Pacific Railway, mileage 57-25 to 62-41. Revision. Halifax & Southwestern Railway, Middleton Subdivision. Revision.

Canadian Northern Ontario Railway, between Neebing Avenue and Frederica Street, Fort William, Ont. Revision.

Niagara, St. Catharines & Toronto Railway, on Great Western Street, St. Catharines, Ont. Revision.

Brandon Subdivision, mileage 72.06 to 72.74, Manitoba. Revision.

# Canadian Pacific Railway

Interprovincial & James Bay Railway, mileage 53 to 69. Quebec.

Kettle Valley Railway, mileage 10.28 near Okanagan Falls to mileage 39.35 on International Boundary, B.C.

Rosetown southeasterly, mileage 0 to 18-66. Saskatchewan.

Esquimault & Nanaimo Railway, from Johnson Street to Store Street, Victoria, B. C. Revision.

Swift Current northwesterly, mileage 31.07 to 34.02, Saskatchewan. Revision.

Interprovincial & James Bay Railway, mileage 48.01 to 49.05, and mileage 0 to 3, Ville Marie spur, Quebec. Revision.

#### HIGHWAY CROSSINGS

In connection with the above location plans there were two hundred and thirty-two highway crossings approved, also fifteen diversions of highways.

#### BRIDGES

The different railways throughout the country were authorized to construct, or reconstruct, sixty-four bridges. Also thirty-six bridges were inspected by the Board's Engineers and authority granted for operation.

## INDUSTRIAL SPURS

Authority was granted for the construction of one hundred and ninety industrial spurs, varying in length from a few hundred feet to six miles.

#### RAILWAY CROSSINGS

Grade crossings were authorized at the following points, protected by full interlocking plants:—

Canadian National Railways by Canadian Pacific Railway, at Russell,

Man.

Canadian National Railway by Grand Trunk Pacific Railway in N.W. 4 Sec. 14, Twp. 53, R. 24, W. 4 Mer., Edmonton, Alta.

Crossings protected by half interlocking plants were authorized as follows:— Hull Electric Railway by Canadian Pacific Railway at Montcalm Street,

Hull, P.Q.

Sarnia Street Railway by Grand Trunk Railway at intersection of Exmouth

and Front Streets, Sarnia, Ont.

Windsor Essex & Lake Shore Rapid Railway by Hydro Electric Power Commission with two tracks at intersection of Aylmer Avenue and Wyandotte Street, Windsor, Ont.

Canadian Pacific Railway, Havelock Subdivision, by Canadian Pacific Rail-

way, Kingston Subdivision, at Sharbot Lake, Ont.

Winnipeg Street Railway by Grand Trunk Pacific Railway at Pembina Highway, Winnipeg, Man.

The following interlockers were inspected and changes authorized in the

signals:-

British Columbia Electric Railway Crossing, Vancouver, Victoria & Eastern Railway at Powell Street, Vancouver, B.C.

Michigan Central Railroad crossing Grand Trunk Railway at Southwold.

Ont.

Canadian National Railway, Battleford Subdivision, crossing Grand Trunk Pacific Railway, Cudworth Subdivision.

Canadian National Railway crossing Grand Trunk Pacific Railway at

Dana, Sask.

Michigan Central Railroad crossing Grand Trunk Railway at Yarmouth,

Canadian Pacific Railway crossing Grand Trunk Railway at North Essa, Ont.

#### TRACK CONNECTIONS

Plans have been approved and authority granted for operation of the following:—

Canadian National Railway, Battle River Subdivision connection with

Viking Subdivision, a distance of 0.52 miles.

Canadian National Railway connection with Grand Trunk Pacific Railway at Barlow, Alta.

Canadian Northern Ontario Railway connection with Grand Trunk Rail-

way at Washago, Ont.

Canadian Northern Quebec Railway connection with National Transconinental Railway between Lachevrotiere Station and St. Parc Station, P.Q.

Edmonton Street Railway with Canadian National Railway at 104th Street, Edmonton, Alta.

Grand River Railway with Canadian Pacific Railway at Galt, Ont.

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Guelph Radial Railway with Canadian Pacific Railway at Guelph, Ont. Canadian National Railway with Grand Trunk Pacific Railway at Barlow, Alta.

Canadian National Railway with Canadian Pacific Railway at Moose Jaw,

Quebec Central Railway with Canadian National Railway at Diamond Jct., P.Q.

Canadian Pacific Railway, LaSalle Loop, with Lachine Canal South Bank

Branch, LaSalle, P.Q.

Halifax & Southwestern Railway with Dominion Atlantic Railway at

Middleton, N.S.

Hydro-Electric Power Commission tracks with the Essex Terminal Railway in the Township of Sandwich West, Ont.

#### OPENING FOR TRAFFIC

Canadian National Railway from Scarpa, mileage 28.54, to Beachy, Sask., mileage 35.

Canadian Pacific Railway, Lanigan northeasterly, mileage 0 to mileage

49.34. Saskatchewan.

Canadian National Railway, St. Lawrence Subdivision, mileage 87.6 to mileage 91.6, Quebec.

Canadian National Railway, Amaranth to Alonsa, Manitoba, mileage 44.2

to mileage 62.

Canadian Pacific Railway, Adirondack Subdivision, mileage 42-82, to St. Patrick Street, LaSalle, Quebec.

Canadian National Railway from Gravelbourg, mileage 79 to mileage 109,

Saskatchewan.

Canadian National Railway from Red Deer, mileage 0, to junction with Brazeau Subdivision, mileage 6.1, Alberta.

Canadian National Railway, Kashabowie Subdivision, mileage 8.7 to mileage

11.1. Revision.

Canadian Pacific Railway, Russell northerly, mileage 6.5 to mileage 12.34.

Canadian Pacific Railway, Weyburn-Lethbridge Branch, mileage 314.2 to mileage 351.04. Alberta,

#### POWER LINES

High tension power line Hydro Electric Power Commission from Burlington to Queenston, Ontario.

High tension power line Hydro Electric Power Commission across property

of Grand Trunk Railway at Grimsby, Ont.

Double trolley, 600 volt overhead system of Hvdro Electric Power Commission, over Windsor Essex & Lake Shore Rapid Railway at Howard Street, Windsor, Ont.

#### PROTECTIVE DEVICES

Installation electric bell and wig-wag at Main Street Crossing of the Grand Trunk Railway, Princeton, Ont.
Installation electric bell and wig-wag at highway crossing south of Iberville

Jet., mileage 18.8, Adirondack Subdivision, Canadian Pacific Railway.

Installation of wig-wag at Argyle Street Crossing of the Grand Trunk Railway, Peterborough, Ont.

Installation of electric bell and wig-wag at crossing of Canadian National Railway at intersection of Smith Street and Eighth Avenue, Regina, Sask.

Installation of electric bell and wig-wag at crossing of Canadian National Railway at intersection of Smith Street and Dewdney Avenue, Regina, Sask.

Installation of electric bell and wig-wag at Stave Bank Road crossing of Grand Trunk Railway, Port Credit, Ont.

Installation of electric bell and wig-wag at Wentworth Street crossing of

Dominion Atlantic Railway, Windsor, N.S.

Installation of wig-wag at Watson Street crossing of the Grand Trunk Railway, Woodstock, Ont.

Installation of electric bell and wig-wag at Main Street crossing of Cana-

dian National Railway, Shawinigan Falls, P.Q.

Installation of wig-wag at Seminole Street crossing of Pere Marquette Railway, Walkerville, Ont.

Installation of wig-wag at Melford Street crossing of the Canadian Pacific

Railway, Fairville, N.B.

Installation of wig-wag at Mechanic Street crossing of the Canadian Pacific Railway, Bath, N.S.

Installation of bell and wig-wag at Perth Road crossing of the Canadian Pacific Railway, mileage 100.9, Kingston Subdivision.

Installation of electric bell and wig-wag at Craig Street crossing of the

Canadian Pacific Railway, Perth, Ont.

Installation of electric bell and wig-wag at highway crossing of the Grand Trunk Railway, east of Renton, Ont.

#### SUBWAYS

Reconstruction of tunnel at mileage 21.45, Mountain Subdivision, Canadian Pacific Railway, British Columbia.

Subway under the Esquimault & Nanaimo Railway at Johnson Street,

Victoria, B.C.

Subway under the Canadian Pacific Railway in Sec. 16, Twp. 7, Rge. 3, W. 5 Mer., Alberta, to the Mohawk Bituminous Mines.

Subway under Canadian Pacific Railway at Algoma Station, Ont.

#### DRAINAGE

Mathers Drain under the Grand Trunk Railway, Lots 32 and 34, Con. 1, Township of Morris, Ont.

Drainage under the Canadian Pacific Railway, Lots 5 and 6, Con. 1, Town-

ship of Pallat, District Kenora, Ont.

Irrigation ditch under the Canadian Pacific Railway in S.W. 4 Sec. 29, Twp.

9, Rge. 22, W. 4 Mer., Alberta.

Irrigation ditch under the Canadian Pacific Railway in N.W. 4 Sec. 6, Twp.

10, Rge. 22, W. 4 Mer., Alberta.

Irrigation ditch under the Canadian Pacific Railway in S.W. 4 Sec. 9, Twp.

10, Rge. 23, W. 4 Mer., Alberta.

Irrigation ditch under the Canadian Pacific Railway in N.E. 4 Sec. 19, Twp.

9, Rge. 26, W. 4 Mer., Alberta.

Irrigation ditch under the Canadian Pacific Railway in S.E. 4 Sec. 15, Twp.

10, Rge. 24, W. 4 Mer., Alberta.

Culvert under Canadian Pacific Railway at Dorval, P.Q.

Storm sewer under Grand Trunk Railway on Wellington Street, Hamilton, Ont.

De l'Ile Drain under Grand Trunk Railway, Parish St. Michel, P.Q.

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Sewer under Toronto Hamilton & Buffalo Railway at King Street West, Hamilton, Ont.

Culvert under the Canadian National Railway at Broad Road, Regina,

Sask.

#### MISCELLANEOUS

In addition to the above, many other matters have been dealt with, some of them involving inspections, such as fencing exemptions, draw-bridges, expropriation of land for railway purposes, cableway crossings, cattle passes, overhead tramways, water mains, wire crossings, ditches, etc.

# APPENDIX "D"

REPORT OF THE CHIEF OPERATING OFFICER OF THE BOARD, GEORGE SPENCER, FOR THE YEAR ENDING DECEMBER 31, 1922

REPORTING AND INVESTIGATING OF ACCIDENTS ATTENDED BY PERSONAL INJURY OR LOSS OF LIFE

During the twelve months accidents to the number of 2,588, covering 243 persons killed and 2,856 persons injured, were reported to the Board by the various railway companies under its jurisdiction. For particulars, attention is directed to statements 1, 3 and 4.

A perusal of statements Nos. 2, 5, and 6, which are comparative statements of the killed and injured, reveals exactly the same number of persons killed and

an increase of 928 persons injured as compared with the year 1921.

Out of a total of 2,588 accidents reported, as above referred to, 1,636 (63 per cent were investigated, covering 214 persons killed and 1,931 injured. Statements Nos. 7, 8, 9, and 10 set out in detail the investigations made as regards collisions, derailments, highway crossing accidents, also accidents the result of working on or under engines. These four statements show a total of 500 investigations covering 86 persons killed and 774 persons injured. The remainder of the investigations, which number 1,136, covering 128 persons killed and 1,157 persons injured, are spread over accidents covered by the various other headings referred to in statements Nos. 3, 4, and 5.

It will be observed that out of the total of 243 persons killed and 2,856 injured, there were trespassers to the number of 71 killed and 90 injured. In this connection reference is made to statement No. 16 which shows the number

killed and injured by railways and provinces.

The matter of highway crossing accidents, protection provided, etc., is set out in detail in statements Nos. 3, 4, 5, 9, 11, 12, 13, 14 and 15.

#### INSPECTION OF SAFETY APPLIANCES

The work in this connection is largely carried on under the provisions of section 298 of the Act and General Order No. 102. The year's work is set out in detail in statements Nos. 19, 20, 21 A and B. It is needless to say that the inspection of 82,128 cars entails considerable time and labour, both as regards field work, and the resultant checking, recording and filing of the numerous reports, in addition to the correspondence necessary in following up with a view to having the railway companies take the necessary action to have the defects remedied. The inspection of 82,128 cars produced 4,057 defective cars (4.94 per cent) with defects totalling 4,531.

# INSPECTION OF STATIONARY BOILERS

This division of the work is carried out under sections 298, 299, 300 and 301 of the Railway Act, and General Orders Nos. 12, 31, 66, 78, 102, 107, 131, 171, 199, 226, 289, 293 and 330. Under General Order No. 78, the so-called "Locomotive Boiler Inspection

Order," approximately 70,000 report forms of monthly and annual inspections

were filed during the year.
Under General Order No. 330 the so-called "Stationary Boiler Inspection Order," approximately 20,000 report forms of semi-annual and annual inspections were filed during the year.

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During the year locomotives to the number of 11,144 were inspected with defective engines totallying 1,592 (5 per cent) and total defects of 651. For details reference is made to statement No. 22.

The checking and recording of the above mentioned forms and reports, together with the correspondence involved, naturally creates an extensive line of

work.

#### INSPECTION OF PASSENGER EQUIPMENT, STATION BUILDINGS AND PREMISES.

This work comprises features on safety, cleanliness, accommodation, etc. A large number of matters have been brought to the attention of the proper officials with beneficial results.

APPLICATIONS AND COMPLAINTS RE TRAIN AND STATION SERVICE, HIGHWAY CROSSING PROTECTION, STATION LOCATIONS, CAR SUPPLY, ETC., ETC.

The work under this heading covers a wide range of subjects, and entails, in many instances, a considerable amount of enquiry and research. During the year complaints and applications numbering in the neighbourhood of 1,338 were inquired into and reported upon.

In conclusion it might be stated that, in order to accomplish the work briefly outlined above, it has necessitated the travelling of 308,001 miles by the

staff of this department.

No. 1.—Statement Showing Number of Passengers, Employees and Others Killed on the various Railways in Canada, Under the Board's Jurisdiction, for Year Ending December 31, 1922.

Name of Railway	Pass	engers	Emp	loyees	Otl	hers	To	otal
	Killed	Injured	Killed	Injured	Killed	/Injured	Killed	Injured
Grand Trunk Canadian Pacific Canadian National Michigan Central Great Northern Toronto, Hamilton and Buffalo Hull Electric	3 1	2 1	15 38 24 3	510 648 814 39 6 6	42 66 17 20 1	126 124 95 18 5	58 107 42 23 1 2	751 866 1,014 57 13
Quebec, Montreal and Southern Kettle Valley Niagara, St. Catharines and Tor-		4		1 6 27	1	1 3 2 3	1	1 4 8 34
onto. New York Central. Edmonton, Dunvegan and British				5	1	3		3 5
Lake Erie and Northern. Grand River Central Vermont. Windsor, Essex and Lake Shore.		1 1 36 1	1	4 3 3 2		2 1	1	4 3 3 5 38
Algoma Central and Hudson Bay Napierville Junction Père Marquette Dominion Atlantie Esquimalt and Nanaimo				4	1 1	1 4 1 1	1 1	1 1 4 5
Maine Central Atlantic, Quebec and Western. Oshawa Montreal and Southern Counties. Hamilton Radial			1	1	1		1 1 1	1
Toronto Suburban		15		3		2		18 2
Total	5	376	83	2,084	155	396	243	2,856

No. 2.—Comparative Statement of Killed and Injured Between Year Ending December 31, 1921, and Year Ending December 31, 1922.

	Passe	engers	Emp	loyees	Otl	ners	To	otal
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
1921	4 5	240 376	91 83	1,344 2,084	148 155	344 396	243 243	1,928 2,856
Decrease	1	136	8	740	7	52		928

No. 3.— Statement Showing Separately the Number of Passengers, Employees and Others, Killed and Injured, and the Nature of the Accidents, for Twelve Months Ending December 31, 1922.

Chamatan of Assidants	Pass	engers	Emp	loyees	Otl	hers	Т	'otal
Character of Accidents	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Derailment. Collison head on. Collison rear end. Collison in yard. Collision with cars standing foul. Collison with cars account open		43 9 4	10 2 1	102 18 18 18 51 5	1	1 3 3 2	10 3 1	215 64 30 57 5
switch		4 12		2 1				6 13
by gates Public highway crossing protected					2	10	2	10
by bell. Public highway crossing protected					5	16	5	16
by watchmanPublic highway crossing unpro-				5	1	107	1	9
ted. Private crossing. Trespassing. Working on or under engine.				2 2 351	58 9 71	197 25 88	58 9 71	202 27 90 351
Miscellaneous  Adjusting couplers, coupling and un-		87	3	434		17	3	538
coupling. Run down by engine or car between stations.			5	79	1	2	5 10	79 12
Falling off hand car, motor or velo- cipede			2	175		3	2	178
by train			9	37	1	1	10	38
Crawling under cars			1	1 14		1	1	15
couplers. Struck by car standing foul. Struck by switch stand, water spout, mail crane, etc		6	1 2	4 10 42			$\frac{1}{2}$	4 16 42
lumber piles, platforms, etc.			2	15		1	2	16
Falling off passenger train Falling off tender while handling	1	6		7 7			1	7 13
coal. Falling off tender while taking water.				7				7
Riding on pilot of foot board of en-			1	10 41	1	1	2	42
gine. Overhead obstruction Repairing cars on repair track when			1	34 8			1	<b>34</b> 8
Falling off top of ear. Falling between cars. Application of air brakes. Jumping off train in motion. Attempt to board train in motion.	A	6 33 29	2 3 1 1	53 11 140 77 29	3	7	2 3 1 8	53 11 146 117 62
Washout Bridge gave way or destroyed by fire.		23		4				27
Run down by engine or cars at stations or in yards. Passing too close around end of		2	24	5.5	5	25	26	62
string of cars. Caught in frog, guard rail, or witch rod Caught by engine or car while				1				1
Falling off side and end ladders of				6				6
cars				33				33

No. 3—Statement Showing Separately the Number of Passengers, Employees and Others, Killed and Injured, and the Nature of the Accidents, for Twelve Months Ending December 31, 1922.—Concluded.

	Passe	engers	Emp	loyees	Ot	hers	То	tal
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Falling off car while working hand brake				68			2	68
Loading and unloading OCS				56				56
material Staking or poling cars. Working in coal chute. Cars moved while being loaded or		• • • • • • • • •						18 4 3
unloaded.  Drawbridge open.  Carmen working on or under corn				6		1		7
Carmen working on or under cars on running track when moved Chaining and unchaining cars Coupling and uncoupling hose and turning angle cock								2 1
Total		376	83	2,084	155	396	243	2,856

No. 4.—Statement Showing the Character of Aecidents Sustained by the Persons Killed and Injured on the various Railways under the Jurisdiction of the Board for Twelve Months Ending December 31, 1922.

- de	G.T.	R.	C.P.R.	Ö	C.N.R.	M.C.R	23	G.N.E	R. T	.H. &	 B	Hull Elec.	Q.C.	C.R.	L. & P	202	Q.M. &	702	K.V.R.	
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watchman Public highway crossing unprotected	11	6.4	_	59   10	24.00	14	90		10		21			-	-	· ~		i i	:	: 63
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Working on or under engine	17	102		02	140	0	2 00		:-		-									: :
Miscellaneous		158	-	52	189		13		4		:	:				:				10
ling.	00	25 Se 1	-	50	. 28		0.1	:	:			:			:	:	:	:	:	:
Run down by engine or car between	-	0	_	-	11	-		_	_			-				_		_		
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Hand car, motor or velocipede struck by		-	?~	31	9			_												÷
Crawling under ears		4 .	2 :			-													:	1 :
rawling between cars over couplers	:	: 0		20.00	12	:	:	:	:	:	:	:	:	:	:	:	:	<u>:</u>	:	:
Passing between cars between couplers	:	27.0		27 C	10	:	:	:	:	:	:	:	:	:	:	:	:	:	:	:
Struck by switch stand, water spout, mail		ч	4	4	71		:	:	:	:						:	:	:	:	:
crane, etc.		13		13	21	:	-	:	:	:	21	:	:	:		:	:	:	:	:
sned between cars, buildings, lumber piles, platforms, etc.	1	4		5	7				-									:	:	:
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Falling off passenger train.		- 20	~		ro =	: :	-	:	:	:	:	:	:	:	:	:	:	:	:	:
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Riding on pilot or footboard of engine.		13		6.	=======================================	:	-										:		:	:
Overhead obstruction	•	-		e2	0	:	-	:	:		:	:	:	:	1	:		:	:	:
Reputing cars of repair track when moved Falling off top of car	- 6	11		.3	17	:	-	:	:		-	:	:			-				: :
Falling between cars.	:		. 2	200	9				-											
Application of air brake	part w	24		50	. 62	:	7	:	:-	:		:	:	:	:	:	:		:	1
Attempt to board train in motion	*-	16	3	20	20														: :	. 23
Washout	-	-			26		:												:	

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Electrocuted Run down by engine or cars at stations or in vards.	Passing too close around end of string of cars.	Caught in frog, guard rail or switch rod.	Falling off side and end ladders of cars. Falling off car while working hand brake.	Aspnyxiated in tunnel. Handling freight and baggage	ng and unloading O.C.S. material.	Working in coal chute Cars moved while being loaded or	lloaded bridge open	Carmen working on or under cars on running track when moved	Coupling and uncoupling hose and turning		

+1		
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Collision rear end	<u>:</u>											THE W			:			
Collision in yard. Collision with cars standing foul Collision with cars arecount open switch		20 00								-			-					
Collision at level (diamond) crossing Public highway crossing protected by	:						_											
Public highway crossing protected by bell Public highway crossing protected by															:		:	
watchman Public hadhway crossing unprotected Private crossing						-	-				:		. :	:			:	:
Trespassing Working on or under engine		- :				-		: .	-				•	_		: :		
Allosting couplers, coupling and uncoupling Run down by engine or car between sta-				- -		-					+							
Falling off hand motor or velocipede		:	1					1						· .	:			 
( rawling under ears ( rawling between ears over couplers				21														
Struck by car standing foul Struck by switch stand, water spout, mail						-			-							:		
crane, etc ('ushed between ears, buildings, lumber piles, etc Evplosion of locanotive boiler										· ·								
Faling off passenger train Faling off tender while handling coal Faling off tender while taking water			:						:									
Industrial Riding on pilot or footboard of engine		:						:	:					:		:	::	
Overhead obstruction Repairing cars on repair track when moved																		
Falling between cars Application of air brake									61				-					
Attempt to board train in motion.								:	:			: :	:		:			
Bridge gave way or destroyed by fire			_	-	:	: :	:	: :		<u> </u>	<u>:</u>	-		_				

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Passing for along around at Stations of	Cars. Caught in frog guard rail or switch rod	aught by engine or car throwing swite	Falling off car while working handurake	Asphywated in tunnel. Handling freight and baccaco	pading and unloading O.C.S. material	aking or poling ears.	Cars moved while being loaded or un-	Draw bridge open	ming track when moved	Chaining and unchaining cars. Coupling and uncoupling hose and turning	ALLERO COUNTY	

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owing the Character of Accidents Sustained by the Persons Killed and Injured on the Various Rail-	rishletion of the Board for Teatre Months Ending December 31, 1922. Co	-
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Collision with cors standing foul		1								:				i			:	1	।० ध
Collision with cuts account open switch Collision at level drainond crossins.						-	: :		:									. ,	2 2 2
Public highway crossing protected by gates												:		: :	: :	: .		110 =	223
Public highway crossing protected by watchman.	:		:	-		: :		: :		: :			-		:		. 51	16	202
Private crossing	-	-				:		:	:	:	:						:	o [-	200
Working on or under engine	- :	:		:				:							: :	. ,		2	351
Miscellancous Adjusting comblers, compling and uncoupling		:	:				-	: :		: :	:	: :			:		: :	0 10	73
Run down by engine or car between stations		:	:	-	:	:	:	:		:	:				:	-	:	0:	21/2
Jang off hand ear, motor or velocipede	:		:			:												01	
( 'kawhas ander ears		:					:			:					:	:		-	- 10
Passing between c is between couplers	. :		-			:								:	-		1	- 0	7 2
Struck by ear standing foul			: :									:	: :	: :				9 ;	4
red between ears, buildings, lumber pile, platform,																		~	-
Explosion of locomotive boiler.		: :	: '									:						. ;	t~ :
Falling off passenger train	:	:	:	:	:	:	1		:	!	:	:				-		-	~ ~
Falling off tender while taking water																	-	- 1	10
Industrial	:	:	:	:	:	:	:	:	:	:		:	:	:	:	-	:		342
Rights on phot or lootboard of engine	:					:							: :					1 ;	)C
Repairing cars on repair track when moved	:	:	:	:	:	:	:	:	:	:	:		:	:	1		:		: 20
Falling between ents	:														: :		: :	1 00	11
Application of air brake		:				:	:	:	:		:			:	:	-	:		146
Jumpine off Prem in motion		:	:	:			:		:						: :			c	2 23
Washout			: :		-										: :			:	27
Bridge gave way or destroyed by fire	:	:		-	:	:	:	:	:	:		:		:	:	:	:	:	
Run down by engine or ears at stations or in yards				:	:	:					-						-	26	623
Passing too close around end of string of cars	:		: .		:	:		:	:	:		:			::	:	: :		area.
aucht by engine or car while throwing switch	:	:				:	-			:	:				:	:			 
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Asproximated in tunnel.	Handling freight and baggage.		Staking or poling cars.		Cars moved while being loaded or unloaded	Drawbridge open	Carmen working on or under cars on running track when	moved	Chaining and unchaining cars.	Coupling and uncoupling hose and turning angle cock.			

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No. 5.—Comparative Statement in Totals of Killed and Injured by Class of Accident Between Year Ending December 31, 1921, and Year Ending December 31, 1922.

	19	21	19	22		19	22	
					Incr	ease	Deci	rease
Character of Accidents	acter of Accidents  K.   I.   K.							I.
Derailment	12	159	10	215		56	2 2	
Collision, head on	2 2	33 28	3	64 30	1	31 2		
Collision, in yard	1	43	1	57		14		10
Collision with cars standing foul	2	15 6		5 6			2	10
Collision at (level) diamond crossing		7		13		6		
Public highway crossing protected by gates  Public highway crossing protected by bell	5 14	13 27	5	10 16			3	3 11
Public lighway crossing protected by watchman	1	8	1	9	8	1		1
Public highway crossing unprotected Private crossing	50	166 18	58 9	202 27	3	36 9		
Trespassing	64	91	71	90	7			1
Working on or under engine	15	235 341	3	351 538		116 197	12	
Adjusting couplers, coupling and uncoupling	3	69	5	79	5	10		
Run down by engine or car between stations Falling off hand car, motor or velocipede	3 4	5 88	10	12 178	7	7 90	2	
Hand car, motor, velocipede struck by train	9	59	10	38	1			21
Crawling under cars		1 3	1	1 15	1	12		
Passing between cars between couplers	2	4	1	4	2		1	
Struck by car standing foul	1	31	2	16 42	2	15 11	1	
Crushed between cars, bldgs., lumber piles, plat-		'						
forms, etc	2	8 6	2	16		8		
Explosion of locomotive boiler.  Falling off passenger train.	3	18	1	13			2	5
Falling off tender while handling coal		2		7		5 7		
Industrial	8	34	2	10 42		8	6	
Riding on pilot or foot board of engine	1 1	22	1	34		12		
Overhead obstruction	1	10		8				
Falling off top of car	3	16	2	53		37	1	
Falling between cars. Application of air brake.	2	7 72	3	11 146	1	74		
Jumping off train in motion	3	64	8	117	5	53		
Attempt to board train in motion	3	38	1	62 27		24	1	
Bridge gave way or destroyed by fire	1	4					1	4
Run down by engine or cars at stations or in yards	18	57	26	62	8	1 5		
Passing too close around end of string of cars		1						1
Caught in frog, guard rail, or switch rod		4 4		6		2	1	3
Falling off side and end ladders of cars		18	2	33		15		
Falling off car while working hand brake	1	22	2	68	1 1	46		
Loading and unloading O.C.S. material.		17		56		39		
Loading and unloading O.C.S. material		20		18		2		2
Working in coal chute. Cars moved while being loaded or unloaded		1		3		2		
Cars moved while being loaded or unloaded Drawbridge open		5		7		2		
Carmen working on or under cars on running track								
when moved		2		2		1		
Coupling and uncoupling hose and turning angle cock	2	17		24		7	2	
	243	1928	243	2,856	51	991	51	63
Increase			243	1,928	51	63	01	
				928		928		
				02.5		020		

No. 6.—Comparative Statement in Totals of Killed and Injured Between Year Ending December 31, 1921, and Year Ending December 31, 1922.

Name of Railway.	1	921	1	922	1922 Increase Decrease			
					Ine	Increase De		rease
	K.	I.	K.	I.	K.	I.	K.	I.
Grand Trunk Canadian Pacific. Canadian National. Michigan Central. Great Northern Toronto, Hamilton and Buffalo. Hull Electric. Quebec Central. London and Port Stanley. Quebee, Montreal and Southern Kettle Valley Niagara, St. Catharines and Toronto. New York Central. Edmonton, Dunvegan and British Columbia. Lake Erie and Northern Grand River Central Vermont. Windsor, Essex and Lake Shore Niagara, Welland and Lake Erie. Algoma Central and Hudson Bay Napierville Jet. Père Marquette. Dominion Atlantic. Esquimalt and Nanimo Maine Central. Atlantic, Quebec and Western. Oshawa Montreal and Southern Counties. Hamilton Radial. Toronto Suburban. Brantford and Hamilton Essex Terminal. Boston and Maine. Wabash Increase.	677 107 47 33 2 2 2 2 3 1 1 1 1 1 1 1 1 1 1 1 1 1	579 356 828 33 9 15  1  4 14 15 18 4 4 6 1 2 2 1 3 3 4 4 4 6 1 2 1 8 8 1 1 8 1 8 1 8 1 8 1 8 1 8 1 8		751 7666 1,014 57 13 8 8 1 1 4 4 8 3 3 5 4 3 3 3 1 1 1 4 4 5 1 1 1 2 1 1 2 1 1 2 1 1 2 1 1 2 1 1 2 1 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 1 2 2 2 2 2 2 2 2 2 2 2 3 3 3 2 2 2 2	20 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	172 510 186 24 4 1 1 4 4 20  1 1 3  1 18	9 5 1 1 2 3 3 1 1 1 2 2 3 1 1 2 2 8	7 
			2.10	928	20	928		
				020		520		

No. 7.—Statement Showing Collisions Attended by Personal Injury Investigated During the Year Ending December 31, 1922.

	File	Date	е	Railway	Place	Kil- led	In- jured
Τ.	10000	Dog	,	G.T.R	Woodstock, Ont		1
66		Jan. 7	7	G.T.R	Brockville Yard, Ont., East crossover		
66	10902	Dec. 23	3	C.N.R	Near Mabella ,Sask		1 2 1 7
66	10905 10912	Oct. 22 Dec. 6	2	C.N.R	Port Mann Yard. Near Rosedale, B.C.		7
66		Jan. 15	5	G.T.R	Lacolle, Jct. Que		1
66		Jan. 11	l l	G.T.R	Montreal, near Seigneurs St., Que		2 1 1
66	11025	Jan. 11	[	G.T.R	Coteau, Que., on lead at standpipe		1
	11058 11100	Feb. 18 Feb. 25	5	G.T.R	Coteau Jct., No. 2 siding Que.,		2
66	11120	Feb. 28	3	G.T.R	Rymal, Ont Paris Jet., Ont		1
	11135	Mar. 18	3 !	G.T.R	Mimico, Ont., Order yard west end		1
66	11136		3	C.P.R C.N.R	Guelph Jct., Ont		1 2 1
60	11154 11185	Mar. 4	2	G.T.R	Bruno, Sask York, Ont., east crossover. Montreal, Victoria Bridge, West end.		ĩ
	11190	Mar. 23	3	Ğ.T.R	Montreal, Victoria Bridge, West end		2
	11205	Mar. 31	1	C.P.R	Bredenbury Sub., M.P. 27.6		1
66	11220 11488	Mar. 22 May 30	2	C.P.R	Bredenbury Sub., M.P. 27·6. Melville, Sask Toronto Termimals, near Bay St	1	
66	11501	June 14	4	CPP	Voho B C	-	2
66	11528	June 17	7	C.P.R G.T.R	York, Ont. Nelson Yard, B.C. Windsor, Ont., Blue line sw.		1
	11558	May 2	2	C.P.R	Nelson Yard, B.C		1 3
	11624 11686	July 11 July 31	1 1	G.T.R	Near St. Clet. Oue	1	3
**	11722	July 23	3	C.P.R C.N.R W.E. & L.S	Near St. Clet, Que Fort Rouge, Man.		1
66	11725	July 22	2	W.E. & L.S	Lake Shore Jct., Ont		24
66	11809		2	C.P.R			1 5
66	11916 11927	July 31 Aug. 17	1	G.T.R. 7	Cayuga, Ont Ford, Ont., Diamond intersection		46
	11021	riug. II		H.E.R.	did, One., Diamond intersection		10
66	11969	Aug. 22	2	C.N.R	Regina, Yard Sask		1
66	11986	July 27	7	C.N.R	Port Mann, B.C		3
cc	11990 12003	Sept. 16 Sept. 10	0	CPR	Port Mann, B.C. Alyth Yard, Calgary, Alta. Farnham Yard, Que		1 5
66	12031	Sept. 23	3 1	CNR	Watrous Sask	ì	1
11	120 49	Sept. 21	1.	G.T.R	Princeville, Ont. Kenora Yard. Ont.		3
66	12055 12109	Sept. 22 Oct. 6	2	C.P.R	Renora Yard. Ont.		1 2
cc	12113	Sept. 14	6 4	K.V.B	Barwick, Ont. Penticton Yard, B.C.		2
"	12116	Oct. 6	6	G.T.R	Pt. St. Charles, Que. Colonsay Sub., M.P. 118·5, Sask. Winnipeg, Fort Rouge, Man.		1
55	12137	Sept. 22	2	C.P.R	Colonsay Sub., M.P. 118.5, Sask	1	3
66	12157 12183	Oct. 17 Oct. 3	7 3	C.N.R	Winnipeg, Fort Kouge, Man		1 3 1 8 2 1 3 1 1 2
"	12193		9	C.N.R	Melville, Sask.		2
66	12209	Oct. 19	9	C.N.R	Winnipeg, Fort Rouge, Man Fort William Yard, Ont. Melville, Sask. St. Frances. Sub., M.P. 173, Ont. Canpa, Ont. Kalmar Tunnel, M.P. 22, Ont. Kenora Yard, Ont. Bashaw Sub., M.P. 33.5, Alta. Weston, Ont., opposite Irwin's Lumber Co.'s Siding		4
- 66	12244 12258		4	G.T.R	Canpa, Ont.		1 3 3 3 18
66	12258	Oct. 26 Oct. 18	8	C.P.R	Kenora Yard Ont		3
66	12283	Oct. 10	0	C.N.R	Bashaw Sub., M.P. 33.5, Alta	1	3
	12289	()ct. 1-	4	Tor. Sub	Weston, Ont., opposite Irwin's Lumber ('o.'s Siding		18
66	12360 12384	Nov. 1:	-	C.N.R	Timonou, Que., hear freatiley sec		5 3
66	12384	Oct. 30 Nov. 20		C.P.R	Davidson, Sask		1
60	12393	Nov. 2	1	C.P.R	Ignace Yard, Ont		1
66	11979	Sept. 2	1	T.H. & B	Hamilton Ont		1 1 2 1 2
66	10859 12421	Dec. 8 Oct. 3		G.T.R C.P.R	Montreal, Sortin Yard, Que North Transcona, Man Smith's Falls, Ont., 1 mile west		1
66	12431	Nov. 2		CPR	North Transcona, Man		1
66	12441	Nov. 8	8	CPR	Smith's Falls, Ont., 1 mile west	1	
60	12444	Nov. 2	9	IC.N.R	Winnipeg, Man		1
66	12477 12486	Nov. 20 Dec. 13		G.T.R.	Montreal Turcot West, Que New Sarum, Ont		6
	1 = 1 -11)	1 1.	*)	,	Yew Faltin, Ont		
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No. 8.—Statement Showing Derailments Attended by Personal Injury Investigated during the Year ending December 31, 1922.

File		Doilann	TO A		
	Date	Railway	Place	Kil- led	In-
10891	Nov. 29	GTR	St Catherines Ont		
10915	Nov. 2	C.P.R	M.P. 12. Kimberley Sub. R.C.		1
	Dec 0	CTP	Toronto, Wm. Davies Co.'s siding		1
10930	Jan. 21	C.P.R			21
	Jan. 20	G.T.R	risimiton, Onc., iv. and iv. vv. Jet	1	3
	Jan. 26	G.T.R	Midland Yard, Ont		1
	100. 10		Toronto, old shed lead, Ont		1
	Feb. 23	CNR	Moor Formand M D 200 CT J C		4
11098	Feb. 16	C.N.R	Reging wort words Souls		18
11105	Feb. 12	C.N.R.	Near Norway Bashaw Sub		1
11106	Jan. 17	C.N.R	Near Red Pleasant, M.P. 25 Porter Sub		1
	Mar. 3	C.N.R	Mt. Robson, B.C.		1
	Mar. 27	G.T.R	Allandale Yard, Ont		
	Apr. 15	C.P.R	M.P. 45.7, Crows Nest Sub, Alta		1 8
	Apr. 18	C.N.R	Lachevrotière Station, west of, Que	2	1
	Apr. 7	C N P	Near Maryfold, M.P. 216, Fort Frances Sub		2
	May 8	CPR	11 miles west of Maharlay Ont	1	]
11330	April 14	CPR	M. P. 120. Carberry Sub. Man		2
11335	April 30	C.P.R	Kenora Yard, Ont.		1
	Mar. 22	K.V.R	M.P. 129-2, Coquihalla Sub., B.C.		í
	May 25	C.P.R	M.P. 43, Shaunavon Sub., Sask		j
	May 13	C.N.R	M.P. 71, Liverpool Sub., N.S.		1
	June 13	OM & S	M.P. 37, Shester Sub., N.S.		2
	June 19	CTP	Une mile west of Boucherville, Que		1
	June 9				1
	May 25	C.P.R	Methyen, Man		1
11532	June 28	C.P.R	West switch Verner, Ont.	1	1
	June 20	G.T.R	Allanburg, Ont		
		C.N.R	Near Riverson Sask M P 6 Sarlyle Sub		1 2 1 1
		C.N.R	Albreda, B.C		1
	June b	K.V.R	Beaverdell, B.C.		1
	June 27	CNR.	Dower B.C. M.P. 138, Upa Sub., Unt	1	1
	Aug. 3	K.V.R.	M P 16 Merritt Sub B C		1
	Aug. 18	C.N.R			1
11824	Aug. 17	C.P.R	Outremont roundhouse, Que		î
	Sept. 9	C.N.R	M.P. 5, Amsterdam (near) Sask		1 1 1 3 1 5
	Sept. 15	G.T.R	Guelph Jct., Ont		1
11918	Sept. 15	G.T.R	Sidney, Ont.		5
	Sept. 4	C P P	Meaca Jaw Saals		1
	Sept. 6	C.N.R	Prince Albert Yard Sask		1
12047	Sept. 19	C.P.R	Culross, Man	1	9
12065	Oct. 2	G.T.R	Jeanettes Creek, Ont		3
12068	Sept. 19	C.P.R	M.P. 17.5, Glenboro Sub., Man		1
12103	Oct. 22	C.N.R	M.P. 76, Oba Sub., Ont		6
12107	Oct. 18	C.P.R	2.4 miles south of Wingham Jct., Ont		4
12108	Oct. 12	P.M.R	St. Thomas, Victoria Yard, Ont		1 1 2 3 1 6 4 1 1 1
	Jet. 3	C N P	M. F. 94, La Kiviere Sub., Man		1
12252	Sept. 28	C'N B	Edmonton Alta		1
11263	Oct. 23	C.P.B.	M.P. 22:5. Broadview Sub., Sask.		2
12271	Sept. 24	C.N.R	Gillespie, Alta., M.P. 123.1. Battle River Sub.		1
12311	Oct. 31	G.T.R	Mandaumin, Ont		2 1 1 2
12332	Nov. 22	C.P.R	M.P. 76, Sterling Sub., Alta		2
11345	Mar. 21	C.P.R	M.P. 42, Cascades Sub., B.C.		1
12464	Dec. 18	U.P.R	Palliser, B.C., 12 miles East	2 .	10
12484	Dec. 15	U.N.R	Bowsman, Man., near M.F. 100		16
				9	152
					102
	10918   10930   10945   10955   11036   11042   11065   11065   11073   11098   11105   11106   11155   11106   11155   11192   11218   11241   11242   11244   11298   11353   11353   11415   11436   11437   11507   11508   11532   11537   11680   11637   11508   11637   11508   11637   11620   11637   11620   11637   11506   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11637   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620   11620	10915   Nov. 2   10915   Jan. 21   10918   Dec. 9   110930   Jan. 21   10955   Jan. 20   110955   Jan. 20   11042   Feb. 13   11065   Feb. 13   11063   Feb. 18   11063   Feb. 12   11073   Feb. 12   11073   Feb. 12   11106   Jan. 17   11155   Mar. 3   11192   Mar. 27   11298   Apr. 15   11241   Apr. 18   11242   Apr. 16   11244   Apr. 16   11244   Apr. 16   11244   Apr. 16   11244   Apr. 16   11244   Apr. 16   11244   Apr. 16   11245   April 30   April 14   11335   April 30   April 14   11335   April 30   11353   Mar. 22   11415   May 25   11436   May 13   11437   June 13   11437   June 13   11437   June 20   11567   June 9   11575   June 6   11575   June 6   11575   June 6   11620   July 20   11567   June 9   11575   June 6   11620   July 20   11637   June 6   11620   July 20   11637   June 6   11620   July 20   11637   June 6   11620   July 20   11637   June 6   11620   July 20   11637   June 6   11620   July 20   11637   June 6   11908   Sept. 15   11918   Sept. 15   11926   Sept. 4   12019   Sept. 15   11926   Sept. 16   12047   Sept. 19   12048   Sept. 15   119204   Sept. 19   12049   Sept. 19   12049   Sept. 19   12049   Sept. 19   12049   Sept. 19   12049   Sept. 19   12049   Sept. 19   12068   Sept. 19   12068   Sept. 19   12068   Sept. 19   12068   Sept. 19   12068   Sept. 19   12068   Sept. 19   12068   Sept. 19   12068   Sept. 19   12068   Sept. 28   12069   Sept. 28   12069   Sept. 28   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   12069   Sept. 36   36   36   36   36   36   36   36	10915	1995	10891

No. 9.—Statement Showing Highway Crossing Accidents Attended by Personal Injury Investigated During Year Ending December 31, 1922.

		13 GEORGE V, A. 1923
	Remarks	Carelessness; Rural  Theirt angle double; carelessnes; urban, light angle single carelessnes; urban, light angle single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; urban, light angle, single, carelessnes; u
	(Tass of accident	III. & R. Ped. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Auto. Aut
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	Place	Tinelson, Ont. 24 miles south  Pt. St. Charles, Quo., Charlevoix St. Dauphin, Man. Gladys St. Frenchin, Man. Gladys St. Viver F. 18th, Out. 1st crossing east. Viver F. 18th, Out. 1st crossing east. Toronto, 1 ogan avenue. Toronto, 1 ogan avenue. Toronto, 1 ogan avenue. Toronto, 1 ogan avenue. Toronto, 1 ogan avenue.  Toronto, 1 ogan avenue. Toronto, 1 ogan avenue. Toronto, 1 ogan avenue. National avenue. Man. Street Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Quo., Mylnov road. Hall, Mylnov Man., Hall of the road. Nontreal, Quo., Gode des Neiges street Nowarrean, Man., Hall, view teres Statistics, Man., Mirst crossing west St. Tarbeniuse, Out., Than as street Vermon, Man., Hall, Selb. St. Carbeniuse, Out., Colestreen react Nork, Ont., Colestreen react Nork, Ont., Crossing I mile east Acheson, After, roadsing Hall of Statistics Nork, Ont., Governors road. Harandy Chatharn, Ont., Raleigh street Toronto, Ont., Raleigh street Toronto, Ont., Raleigh street Toronto, Ont., Raleigh street Toronto, Ont., Raleigh street Toronto, Ont., Raleigh street Toronto, Ont., Raleigh street Toronto, Ont., Raleigh street Toronto, Ont., Raleigh street Toronto, Ont., Raleigh street Toronto, Ont., History on Millians on the Seskettoon, After the street Interest Mylnov, Whistory on the Seskettoon, Sak, Mylnov, Shang morth
	Railway	のないないのでは、「日本名」とならられるようところのの。 では、日本のは、日本名」となる。日本のは、日本のは、日本のは、日本のは、日本のは、日本のは、日本のは、日本のは、
	Time	11.47 a.m. 12.52 p.m. 12.52 p.m. 13.52 p.m. 14.54 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m. 15.52 p.m.
	Date	Dec. 80   Nov. 13   Nov. 13   Nov. 13   Nov. 14   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov. 15   Nov.
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Emo, Ont., Florence street. Weston, Ont., Dennison avenue	Brookfield, Ont., erossing 2 miles west. Uxbridge, Ont., Brock street.			Jarvis, Ont., 2 mile north	Brigden, Ont., second crossing east st. Matteline, Que., one mile east Norron Mills, Que., a miles west Orton Mills, Que., a miles west Orton Mills, Ont., County read crossing, Wingham, Ont., crossing 2 miles west Catherqui, Ont., crossing 2 miles west Catherqui, Ont., Swiedman road (archi), Ont. Dublin street Thomwille, Ont., Cedar street Thomfon, Ont., 3 miles south Theoriton, Ont., Selfantion arcome	l acolle. Que., Hughes crossing Montreal, Que., Galy street St. Hyacmille, Que., Grand Ramee Sottsville, Que., first crossing morth, Montreal, Que., St. George avenue Renton, Out., first crossing eact.	Stevensville, Ont., first crossing cast (befallam, Ont., 4th line crossing carp, Ont., first crossing west [54t, Catherines, Pages street [54t, Catherines, Pages street] Barrington, Ont., first crossing was (Renton, Ont., first crossing cast	Montreal, Que., Aquelluct street ort Stankey, On., Bridge street ort Hope, On., Bridge street ort Hope, On., Bridge street ort Hope, On., Midnostreet ort Hope, On., midnostreet ont Hope, On., Instructives ont House, Que., Instructives but, Stask, first crossing north strenges, Alfa, 4th avenue.	Antegari, On., Carrison read Ninley Road crossing, Susk Rockfield, Que., first crossing east Portage la Purilio, Man, List crossing west Morden, Man, 4 mile cast Itall West, Que. Axtueer road Hull, Que. St. Florent street Cashbank, Man, crossing 2 miles west. Ottawa, Ont., Parkdade invenice.
C.P.R.	M.C.R. G.T.R.	00.T.R.	L. & P.S.	G.T.R.	######################################	200000 200000 200000	M.C.R. G.T.R. N.St.C.R. G.T.R. G.T.R.	Callococococococococococococococococococo	HAENNALAA HAENNALAAE
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No. 9.—Statement Showing Highway Crossing Accidents Attended by Personal Injury Investigated During Year Ending December 31, 1922 - (Concluded).

Remarks	Right angle, singlet siding; careless; rural fleight angle; singlet siding; carelessness; rural. Right angle; double; theos; garelessness; rural. Right angle; double; hedges; buildings; care; rural. Right angle; double; hedges; buildings; care; rural. Right angle; double; nerelessness; urban. Right angle; double; carelessness; urban. Right angle; double; trees; carelessness; urban. Right angle; double; trees; carelessness; urban. Right angle; single; station; building; care; rural. Right angle; single; station; building; care; rural. Right angle; single; station; building; care; rural. Right angle; single; station; building; care; rural. Right angle; single; station; building; care; rural. Right angle; single; station; building; care; rural. Right angle; single; station; building; care; rural. Right angle; single; station; building; care; rural. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle; single; carelessness; urban. Right angle;
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Brookfold, Ont., Young's crossing.  Toronto, Ont., Riverdale Park crossing. Saskatchewan River Bridge, Stask.  Materville, Que., Parent Street.  Tyn., Ont., first crossing morth.  Nitchener, Our. Mil street.  Nitchener, Our. Mil street.  Nitchener, Our. Mil street.  Nitchener, Our. Mil street.  St. Cathaines, Ont., fifth crossing west. Ogoma, Stask., first crossing west.  Bracko, Our. Main street.  Portage Jci., Man., crossing at M.P. 2.  Portage Jci., Man., crossing at west end.  Naubaushene, Out., Guelph street.  Ortage Jci., Man., crossing at west end.  Naubaushene, Out., Pillette road  Walberville, Out., Pillette road  Walberville, Out., Pillette road  Walbauch, Out., Stask. crossing west.  Crossing at M.P. 22, Mislay Sub., Man  Wantel, Stask. crossing west of station  Quelee, Que., Beunport road  Muland, Out., Stask crossing east  Stand More, Consensing east  Collinavood, Ont., And crossing east  Collinavood, Ont., Mil turne street  Grand More, Cont., Cataricula street  Hawtrey, Ont., first crossing west  Transform Let., Ont., Mil Street  Hawtrey, Ont., Mil Street  I walta, Alfa., crossing to poles west.  I walta, Alfa., crossing to poles west.  I walta, Alfa., crossing to poles west.
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Explanation of abbreviations: -Wat'n., Watchman, H. & R., Horse and rig; Auto., Automobile; Dble., Double track; Sdgs., Sidings; Building; Stn.; Station; Unp., Unprotected; Pedestrian; Motor, Motor truck; Sigle, Single track: H. Banks, High Banks; Care, Carelessness.

the No. 10. STATEMENT Showing Accidents to Employees While Working On or Under Engines. Investigated During Year Ending December 31, 1922.

.1		13 GEORGE V, A. 1923
In-	jured	
Kul-	ed	
Remarks		Shipped from running board.  Stud in arch tube plate blow out.  Attempted to tighten union nut on pipe.  Attempted to tighten union nut on pipe.  Fell fram cab of engine.  Slipped on back of tank.  Cleaning window, slipped on running board.  Fell walking around running board.  Fell walking around running board.  Fell walking around running board.  Fell walking around running board.  Fell walking around running board.  Fell walking around running board.  Fell walking from cognine.  Fell walking from cognine.  Fell walking from cognine.  Fell walking from window of cab.  Fell walking in move engine off tender step, slipped.  Cetting through from engine off tender step, slipped.  Filling tubricater, oil blew out.  Filling tubricater, oil blew out.  Filling tubricater, oil blew out.  Cetting down from engine off tender step, slipped.  Fell walking poard to oll air pump.  Figure moved while perhing water.  Pipe blew out of nigger head which furnishes steam to train line.  Struck hard while opening ashpan.  Figured while cetting off engine.  Fulling coal cutte up.  Explosion ocal cutte while engine grates.  Figured while etting off engine.  Struck hard while reversing engine.  Struck hard while reversing engine.  Struck hard while reversing engine.  Struck hard while engine grates.  While chinhing in five struck hand on dipper in cab.  Struck hard while engine grates.  While putting in fire struck hand on dipper in cab.  Struck hard while engine grates.  While putting in fire struck hand on dipper in cab.  Struck langed on slep of tender.  Stigned down elute to take coal.  Stigned down elute to take coal.
Place		Exira Coal dock, Man.  Moose Jaw roundhouse, Sask Granies, Carl Sabville, Man. Oblico, Ont. Biggar Water tank, Sask Thames River, Ont. Beaptford Depot, Ont Gengetown, Ont Winnipog, Man. Capreol, Ont. Gengetown, Ont. Winnipog, Man. Capreol, Ont. Genkie, Alta. St. Tite, Que. Montreal, Bonaventure Station Dunkeld Station, Ont. Fagle River, Man. St. Thomas roundhouse, Ont. Maidstone, Alta. St. Thomas roundhouse, Ont. Maidstone, Alta. Longwood Station, Ont. Maidstone, Alta. Cogama, Ont. Mechech, Alta. Sask Sask Salvaß, Sask Salvaß, Sask Salvaß, Sask Salvaß, Sask Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Salvaß, Sa
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File		Inv. 10833   10883   10889   10889   10863 

Lighting forch in air door of fre-box.  (Jun bing into sact box, when engine struck string of ears.)  (Jun bing into sact box, when engine struck string of ears.)  (Jun bing staked box door.  Slipped off while climbing to repair head-light.  (Slipped off while climbing to repair head-light.  Foot slipped while olime cab.  (Saling engine, bold in operating lever gave away.  Struck on side of engine.  Food seaded when fire man stepped into pool of hot water.  Calling engine, bold in operating lever gave away.  For struck on side of engine cab.  (Saling engine, bold in operating lever gave away.  For struck on side of engine cab.  For struck on struck of engine to light signal lamp.  For struck on side of engine of light signal lamp.  For struck on surface capital when fire the supped into pool of hot water.  For struck of struck of engine of light signal lamp.  For struck of struck of engine.  For struck of engine of tender of engine.  For while going over tender.  For while going over tender of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the wolking over tender of engine.  For struck of the wolking over tender of engine.  For struck of the wolking over tender of engine.  For struck of the wolking over tender of engine.  For struck of the wolking over tender of engine.  For struck of the wolking over tender of engine.  For struck of the wolking over tender of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of the control of engine.  For struck of engine.  For struc
G.T.R. Drumheller, Alta.  N.C.R. Springfield, Ont.  Springfield, Ont.  Brooksby, Sask. C.N.R. Winniper, Nach. C.N.R. Cottonwood Plats, B.C. G.T.R. Windson, Ont. Port I Lovenna, Sask. C.N.R. Bale Plater Yard, B.C. S.N.R. Freeder woundhouse, Out. G.T.R. Kenora moundhouse, Cut. M. Kenora woundhouse, Out. G.T.R. Kenora Walthon, Sask. G.T.R. Barshood, Out. G.T.R. Barshood, Out. G.T.R. Stoudile, Out. G.T.R. Stoudile, Out. G.T.R. Stoudile, Out. G.T.R. Stoudile, Out. G.T.R. Stoudile, Out. G.T.R. Stoudile, Out. G.T.R. May Stoudile, Out. G.T.R. May Stoudile, Out. G.T.R. May P. 4, Ta Mariere Sub., Man. G.N.R. Alexander, I mile west, Man. G.N.R. Alexander, I mile west, Man. G.N.R. May P. 4, Ta Mariere Sub., Man. G.N.R. May P. 4, Ta Mariere Sub., Sask. G.P.R. M.P. 175, Brooks Sub., Sask. G.P.R. M.P. 38, Swift Current Sub., Sask. G.P.R. M.P. 38, Swift Current Sub., Sask. G.P.R. M.P. 12, Taber Sub., Alta.
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No. 10.—Statement Showing Accidents to Employees While Working On or Under Engines, Investigated During the Year Ending December 31, 1922—(Continued).

	In- jured	
	Kill-	
	Remarks	Putting in fire, blaze flew out.  Turned injector and was struck by stream of hot water Janmed by lever when dumping ashpan Gell while climbing on top of engine.  Shaking grantes.  Shaking grantes.  Shaking grantes.  Shaking strates.  Cleaning out fire on ashpit.  Fell against handle of furbox door.  When engine coupled onto cars, fireman struck head on water gauge.  File burst on engine  File burst on engine  Squirts on engine  File burst on engine  Squirt hose blew off  Scalided when injector left open.  Right side rod broke  Stanter bars slipped.  Free blew back in firebox  Shaker bars slipped.  Free blew back in firebox  Shaking grates.  Cylinder cook opened.  Free blew back in firebox  Shaking grates.  Cylinder cook opened.  Free blew back in firebox  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shaking grates.  Shak
	Place	Richmond Hill, Ont.  Regina Sask.  Port Arthur, Caboose Track, Ont.  Baward, Machine Shop, Que.  Between Andover and Arosstook, N.B.  Hawk Lake, Ont.  Molson Trank, Man.  Molson Trank, Man.  Newmarket, Ont.  Et. Charles, Que.  Oakwille, Ont.  Des Rivieres, Que.  Pembroke, Ont.  M.P. 86, La Riviere Sub., Man.  Post Rouge, Man.  Scarboro Jet., Ont.  Noronto, Barhurst St., Ont.  Stratford, Ont.  Moose Jaw, Sask.  Moose Jaw, Sask.  Moose Jaw, Sask.  Moose Jaw, Sask.  Moore Jaw, Sask.  Moore Jaw, Sask.  Moore Jaw, Sask.  Moore Jaw, Sask.  Moore Jaw, Sask.  Moore Jaw, Sask.  Moore Jaw, Sask.  Moore Jaw, Sask.  Montreal Tumel, Out.  Dandred Nard, Ont.  Sunden Nard, Ont.  Sunden Nard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub., end of track, B.C.  Toronto, cach yard, Ont.  Kimberley Sub.
: :	Karlway	######################################
	Date	June 26 June 10 June 10 June 10 June 10 July 11 July 21 July 21 July 21 July 21 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 23 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 22 July 2
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DESSIONAL PAPER No. 33
:
Caught in vestibule cab.  Injector broke.  Nuts pulled off valve rod.  Sprinkling pipe broke.  Valve on squirt hose worked open.  Sprinkling pipe broke.  Sprinkling pipe broke.  Sipped vahile going around air pump.  Arch tube blew out of tube sheet.  Getting though cab window.  Reversing engine.  Rel on reversa lever.  Springer banger broke.  Cetting down from engine.  Rel on reversa lever.  Springer banger broke.  Dumping asham.  Assisting in slanking grattes.  Support on air gauge.  Assisting in slanking grattes.  Support on air gauge.  Assisting in slanking grattes.  Support of real or eagle.  Assisting in slanking grattes.  Support of real or eagle.  Assisting in slanking grattes.  Support banger broke.  Durphped on devel of engine.  Strick bread which getting on engine.  Assisting in slanking grattes.  Strick bread which getting on engine.  Strick bread which getting on engine.  Durphped squirt bose when when lump of coal fell.  Strick bread when lump of coal fell.  Strick hand on air gauge.  Cetting in few when lump of way the water causing explosion.  Strick hand on air gauge.  Trying to close valve spout.  Strick hand on air gauge.  Trying to close valve spout.  Strick hand on air gauge.  Trying to close valve spout.  Strick hand on air gauge.  Trying to close valve spout.  Strick hand on air gauge.  Trying to close valve spout.  Strick hand on air gauge.  Strick hand on air gauge.  Trying to close valve spout.  Strick hand on air gauge.  Strick hand on air gauge.  Climbing over tank of engine.  Climbing into cab of engine.  Slaking grates.
Portage, Man. Ste. Ursule, Que. Ste. Ursule, Que. Farigin, Sask. Rivers, Man. Rivers, Man. Nelland Jet., Ont. St. Jerome, Que. Windsor, Ont. Iondon, Ont. M.P. 88, Peterbor Sub., Ont. Ignace Yard, Ont. Sear Folieyer, Ont. Sear Folieyer, Ont. Port Mc.Nicoll, Ont. Port Mc.Nicoll, Ont. Port Man. Resembled, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Rosenfeld, Man. Sak. M. J. 45, Yorkton Sub., Susk. Illuma. Al 1a, Yorkton Sub., Susk. Illuma. Al 1a, Yorkton Sub. Kensaton, Sask. Denunheller, Sask. Nemisco, Arta. Kensaton, Sask. Nemisco, Arta. Kensaton, Sask. Denunheller, Yard, Alta. Savame, Ont. Calstin, Man. Minnedosa, Man. Riverville, Man. Minnedosa, Man. Riverville, Man. Riverville, Man. Minderdale, Ont. Easkview, Sask. North Battleford, Sask.
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No. 10. Straight Monday Andrews to Umplayers Willie Working On or Under Engines, Investigated During the Year Ending December 31, 1922—(Concluded).

In- jured		197
Nill- In- ed jured		1
Remarks	Swift Current, Sask.  LaRiviere Sub., M.P. 76, Man  File in firebox burst.  Georgetown Station, Ont.  Rel off deck of engine  Illie usin  N.P. 94, Boundary Sub., B.C.  Slipped off run board  Coal scoup fell on head  Coal scoup fell on head  Coal scoup fell on head  Coal scoup fell on head  Coal scoup fell on head  Coal scoup fell on head  Coal scoup fell on head  Coal scoup fell on head  Stanch, Man  Injector blew off  Slaking grates.  Montreal, Ganal Bank, Que  Fell on foot plate of engine  Scalded by hot water from release valve.	
Plan	Carren, Sask.  Swift Current, Sask.  LaRiviere Sub., M.P. 76, Man.  LaRiviere Sub., M.P. 76, Man.  Correctown Station, Ont.  M.P. 94, Boundary Sub., B.C.  M.P. 10, Cartal, Sask.  Binscarth, Man.  Forth Rouge, Man.  M.P. 10, Cartan Sub., Man.  Montreal, Canal Bank, Que.  London, Ont.	
Railway	######################################	
Dace	NNNN P DNN P P P P P P P P P P P P P P P	
File	11.1. 12381 12.1.1. 12488 12.1.2. 12458 12.1.458 12.1.458 12.1.458 12.1.458 12.1.458	

SE No. 11.—Statement Showing the Number of Highway Crossing Accidents with the Total Number of Killed and Injured by Provinces for Twelve Months Ending December 31, 1922.

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New Brunswick	K.	m	: :		: .	:	:	: :		:	:	: :	: :	:	:	1	7
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Nova Scotia	Acc. K. I.	H :	23 :				:			:	:				:	10	2
Name of Bailway		Canadian Pacific	anadian National. Michigan Central Great Northern	Toronto, Hamilton	Hull Electric.	: ir		Kettle Valley	Esquimalt and	Niagara, St. Cath-	Lake Eric and	: : :	Pere Marquette	Hamilton Radial	Hamilton		

No. 12-Statement Showing Highway Crossings at which Protection Provided, the Neture of Protection, During Period of Twelve Months Ending December 31, 1922.

Railway Nature of Protection	<u> </u>	siding be hagged across. Two double electric automatic illuminated bells with	Wig-way signuls.  Protection by trainman in lieu of bell.  Protection by trainman in lieu of watchman.  Standard warming signs enclosed in highway.  Marchael 18 miles standard in high watched.	= 0 <b>4</b> =	:		Double automatic bell, fogether with wig-wag signals.	on each side of crossing.  Automatic bell, light and wig-wag.  (Tind r sidewall extended:  Illuminating feature added to bell already installed.  Automatic bell, together with wig-wag signal in lieu.	Of gates and watchman.  Permanent speed restriction of 10 miles per hour; and cars kept back occupying siding on each side of crossing at least 100 feet from street; coal shed on south side to be moved back so that a cars	will not be closer than the said 100 feet. Standard warning signs erected on highway. Kennoval of brush. Automatic bell, together with wig-wag signal.
Raij	GTB CPR GTR	C.P.R	COCHE		CON CONR COP.R.	G.T.R. C.P.R. and G.T.R.	G.T.R.	G.T.R C.P.R C.P.R D.A.R	G.T.R.	A.H.O.O.N.H.
Location of Crossing	Glen Robertson, Ont., first crossing east. Nendry, Ont., ero-same at mileage 30-4 Princeton, Ont., Main Street	Iberville Jet., Que., at Mile 18-8	Hawkesbury, Ont., Regent street. Hawkesbury, Ont., Main street. Dumwille, Ont., Gour miles East Ardley, B.C., Douglas avenue.	Peterboro, Ont., Argyle street Brantford, Ont., 1st crossing 2 miles west. Regin , Sask., Eighth avenue. Burlington, Ont., Water street	Regina, Sissk., Devedney avenue Harrowsmith, Ont., 1½ miles west. Golf street, North Bay, Ont.	Stratford, Ont., 2nd crossing west. Cavan, Ont., Ist crossing west. Toronto, Ont., George street	Port Credit, Ont., Stave Bank road	Twp. Crowland, Ont., River Road crossing	Ilderton, Ont., Main street	Grimsby, Ont., 2nd crossing east Port Arthur, Ont., May street Shawingan Falls, Que., Main road
Order Number	8.1952 8.1973 8.1973	31980	319.55 319.55 319.55 319.04	32021 32021 32022 32039	32031 32050 32075	32102 32118 32145	14120	32129 32121 32165 32167	32204	32249
Fyle Number	26765-197 26727-88 26765-97	27156-44	9437 - 1248 9437 - 44 26765 - 198 29529	26765 - 209 9437 - 1223 27467 - 16 9437 - 1032	12024-1 26711-24 24316	26755-206 26727-90 588-28	9437-178	20961 26765-204 26727-85 28067	26765-219	26765-11 26524 26711-31

s	ESSIO	NAL PAF	PER N	lo. 33	OILT OF	THE CO	M M I	SSIONI	ERS				17
	De added. Dell already installed, wig-wag signal to be added.  Removed for the south side of crossing.  Crossing to be altered and made to crossing.		ı wire	Fermanent speed restriction of 10 miles per hour.  Permanent speed restriction of 6 miles per hour.  Cates to be operated between 6.30 a.m. and 10.30 p.m. 6 instead of 7 a.m. to 7 p.m.; also slow order when	gates not in operatior.  Permanent speed restriction of 10 miles per hour.  Permanent speed restriction of 10 miles per hour.  Permanent speed restriction of 10 miles per hour.  Two automatic bells, in lieu of watchman, with wie-	wag signals. Removal of trees. Permanent speed restriction of 10 miles per hour. Wig-wag signal in addition to bell already installed. Removal of trees. Removal of trees.	Grades brought up to standard; scrub and brush cut down.  Cars to be kept back 50 feet from street; all switching	movements on all tracks over crossing to be flagged; and speed of trains not to exceed 6 miles per hour when operating over crossing.  Permanent speed restriction of 10 miles per hour.	Removal of lumber piles near crossing.  Permanent speed restriction of 10 miles per hour.  Permanent speed restriction of 10 miles per hour.  Removed of two	Removal of trees. Removal of trees. Removal of trees.	Permanent speed restriction of 10 miles per hour. Removal of trees. Wig-wag be applied to bell already installed. Wixawa he annied to bell siready; installed.	Scrub and trees to be removed. Removal of trees and knoll. Embankments removed. Removal of trees.	All train movements to be flagged over by trainman.
C.P.R.			O.T.R.	00.00 A.H.R.	7. 200 00 00 00 00 00 00 00 00 00 00 00 00	M.C.R. M.C.R. M.C.R.	P.M.R	G.T.B.	O P.R.	B. & H. Elec. M.C.R. G.T.R.	L. & P.S. C.P.R. C.P.R.	G.N.R. G.T.R. C.N.R.	
Colborne, Ont., crossing # miles west. Woodstock., Ont., Wilson street.	Lytton, B.C., First crossing west Belleville, Ont., 2 miles east, Kingston road.	Eganville, Ont., Perrottes crossing. Ingersoll, Ont., Union road. M.P. 61, Peterboro Sub., Raglan road. Grindrod, B.C., first crossing north. North Rathaca.	(ainsville, Ont., Frost crossing Hickson, Ont., first crossing	Edmonton, Alta., 1018 Street crossing. St. John's, Que., St. James St.	Port Colborne, Ont., Catherine St. Peterboro, Ont., Park and Westcott streets. Huntersville, Ont., Muskoka and Sheer streets. Grimsby Beach, Ont., just east of station.	Brookfield, Ont., 2 miles west Montreal East, Que Walkerville, Ont., Seminole street. Walkand, Ont., 4 miles west Learnington, Ont., 1 miles west Advanced All Cont., 1 miles north	Walkerville, Ont., Edna street.	Dunnville, Ont., Cedar street	Portage la Prairie, Man, 1st crossing west. Blairmore, Alta., 9th avenue. Stevensville, Ont., one mile east.	1 wp. Ancaster, Ont., lot 44. Brigden, Ont., 2nd crossing east. Cheltenham, Ont., 4th line.	1 Twp. Cramahe, Ont. Lakeport road C.P.R. Rei Bath, N.B., Mechanic street C.P.R. Wig Fauruille, N.B., Milford street C.P.R. Wig	Artely, b.C., boundary road  Varney, Ont., 14 miles south Cobourg, Ont., 3rd crossing east. Catanaqui, Ont., 3rd consing east. Catanaqui, Ont., Sydenham road. C.P.R.	Dingewater, 14.3., Aberdeen street
32236	32284 32287	32389 32329 32335 32359	32443	32401) 32485}	32554	32548 32681 32659 32659	32737	32766	32798	32824 32824 32827	32900 32916 32913	32952 32952 32938 32038	10070
26722.41 9437.1007	\$27073.8 3701.236	26765.217 26727.92 9437.779 18490 27467.25	26765-216	28786.15 $9437.116$	26765.201 9437.547 9437.294 9437.709	26842-3 26782-20 25781-2 26842-20 26842-21 28786-14	10683	9437.417 27652.20	26744.31 17700 26842.27	26842.25 26765.230 30391	26722.41 27401.10 27401.11 20590.1	26765-231 26765-231 26727-96 27218-3	

No. 12—Statement Showing Highway Crossings at which Protection Provided, the Nature of Protection, During Period of Twelve Months Ending December 31, 1922—Concluded

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File	Order Number	Location of Crossing	Railway	Nature of Protection
1872.5	:	Washago, Ont., Orillia street.	G.T.R	Standard warning signs erected; cars to be kept back
9437.735	33014	Burlington, Ont., 1st crossing west	G.T.R	350 feet from street line. Cars to be kept on north siding between derail and west
27365-17 26711-13 9437-851	33050	Oakbank, Sask, 2 miles west Capreol, Ont., Yonge street. Thornton, Ont., Znd crossing north	NN NN NN NN NN NN NN NN NN NN NN NN NN	end of station.  Permanent speed restriction of 10 miles per hour.  Permanent speed restriction of 10 miles per hour.  Trees trimmed.  Trees frimmed.  Advan- and narmannat sneed restriction of
28116.1 26765-133	33048 33099	oad	W.E &L.S. G.T.R.	
15499.109	33030	Brantford, Ont., South Market street.	G.T.R N. St. C. & T.)	Inne. Watchman. Cars to be kept back a distance of 40 feet from street
31981 9437-256 27467-29	33052 33149 33159	Kingston Junction, Ont., Perth road. Perth, Ont., Craig street. Wadona, Sask., Main street.	C.F.R. C.P.R. C.N.R.	Ine. Two automatic bells with wig-wag signals. Double electric bell and wig-wag signal. Cars standing on business or elevator track to be kept back clear of the street line; and that movements
26765-239 27652-18 26765-233	33164 33165 33163 33181	Rosebank, Ont., crossing near Lennoxville, Que., Massawippi crossing Renton, Ont., 1st crossing east.	#### F.F.E.E UUUU	made on passing track be flagged off. Removal of trees. Removal of banks. Automatic bell; with wig-wag signal.
27.073.11 6256.5 32.409 27.156.56 26765.248	33231		E. & M. G.R. R. G.P.R. G.T.R.	Removal of brush.  Permanent speed restriction of 6 miles per hour Permanent speed restriction of 10 miles per hour. Removal of embankment.  Pennanent speed restriction; cars kept back from Street line.
28615·5 26765·238	33261	Queboc, Que, Parent street. Marshville, Ont., 4 mile east.		Permanent speed restriction of 10 miles per hour. Removal of hedge and trees.

No. 13.—Statement Showing the Number of Highway Crossings at which Protection has been Ordered, and the Nature of Protection Set Out by Provinces, for Twelve Months Ending December 31, 1922.

	Nova Scotia	New Brunswick	Quebec	Ontario	Manitoba	Saskatchewan	British Columbia	Alberta	Total
Removal of view obstructions (trees, band buildings, etc.). Protection by trainman in lieu of bell Protection by trainman in lieu of watchms Double bell and wig-wag. Automatic bell and wig-wag. Wig-wag. Double bell and wig-wag in lieu of watchms Automatic bell and wig-wag in lieu of gates Wig-wag added to bell. Illuminating feature added to bell alread installed. Advance warning signs on highway. Advance warning signs on highway. Advance warning signs and card kept bad 350 feet. Speed restriction of 10 miles per hour. Speed restriction of 10 miles per hour are cars kept back 100 feet; and coal she moved. Speed restriction of 6 miles per hour. Watchman. Watchman 7 a.m. to 12 midnight; May October. Watchman 6.30 a.m. to 6.30 p.m. daily. Side-walk extended. Cars to be kept back from street line on spi	n	2	1 1	25 1 1 3 2 1 2 1 2 1 3 1 1 1 1 1 1 1 2 1 1 1 1	1	2	3	1	33 1 1 4 6 6 1 2 1 4 4 1 177 1 2 1 1 1 1 1
track  Cars kept back 50 feet; switching movemen to be flagged; and speed restriction of miles per hour  Cars on elevator track kept clear of street line; movements on passing track to be flagged  Cars kept back from street line; and speed restriction of 10 miles per hour  Brush cut down and speed restriction of 1 miles per hour.  Crossing made right angle instead of skew. Gates operated part time and speed restriction of 10 miles per hour balance of time.  Train movements flagged by trainman	d 0		1	1 1	1	1	5	3	1 11 1 1 1 1 94

No. 14.— STATEMENT Showing Number of Persons Killed and Injured at Public Highway Crossings, Separately, for Each Year, for Year Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, Twelve Months Ending December 31, 1921, and Twelve Months Ending December 31, 1922.

Year		Gates		Bell		Watchman		Unprotected		Total	
To date the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the contract of the co	К.	I.	К.	I	К.	I.	К.	I.	К.	I.	
1919. Nine months ending Dec. 31, 1919 1920. 1921. 1922.		20 9 14 13 10	10 4 6 14 5	20 7 29 27 16	1 4 4 1	7 9 8 8 9	27 36 52 50 58	115 138 164 166 202	41 48 68 70 66	162 163 215 214 237	
	20	66	39	99	11	41	223	785	293	991	

ear		Fotal	165	186	821
<b>&gt;</b> 1		1922	6	± %	72
rery ling 322.		1951	4	400	89
Bhd H.	Total	1920	2	45	E
No. 15.—Statement Showing Number of Highway Crossing Accidents, the Nature of Same, for Each and Every Year Separately for Year Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1921, and Twelve Months Ending December 31, 1921, and Twelve Months Ending December 31, 1922.		9 1919 mos.	60 116 114 109	26	
ch font mb		1919	2	814	2
Ea Ve N. Dece		Total	37.9	136	627 142
for welv		1922	50 92 92	21=	130
ndi Ty	cted	1921	35	84.81	97 158 144 150
Sun 19.	Unprotected	1920	8.	25.21	6
of ; , 19 onth	Un	9 mos. 1919	1	51.51	15
11.c		1919	2	35	1 6
Natr nber velve		Total	6.0 10	8,3	36.
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and Dark		1921	12	22 44	255
ing 21,	Bell	1920	5 17 15	1-00	1.51
Peide End 1, 195		1918 m. 38.	10	: ~	6 27 25 17
Achie		35	. ::	50	1
ssing Mont nber		Potul	10	15	12 16
Pros		30	01	21.00	1-
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ghwa 919, iding	Watchman	1920 1991 1929	\$1	\$1.5	1-
His D', T		9 1919 mos		- 00	13
of h 3.		1919	-	: 10	1~
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r En 7, T	Ů.	1920	4	2165	19
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5. D. O.			Automobile	Horse and rig Pedestrian	
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The total of 821 accidents covers 293 persons killed and 991 persons injured, as referred to in preceding statement.

13 GEORGE V, A. 1923

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amd 1 , 1922	Ontario	- Y	122221	43
Trespasses Killed and Injured by Provinces and Railways for Year Ending December 31, 1922.		I.	0146	20
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De	Wwick	<u>.</u>		
if Tre	New Brunswick	N		-
her c	ri.			-
Num	Nova			-
No. 16 - Statement Showing the Number of			Grand Trunk Canadian Pacific Canadian Pacific Canadian National Michigan Central Toronto Hamilton and Buffalo Queber, Montreal and Southern New York Central Circul River Windsor, Essex and Lake Shore Algoma Central and Hudson Bay Maine Central Oshawa	Total

No. 17.—Statement Showing the Number of Persons Killed and Injured on the Various Railways Under the Jurisdiction of the Board from April 1, 1914, until March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, Year Ending December 31, 1921, and Year Ending December 31, 1922.

Year	Passe	ngers	Empl	oyees	Oth	ers.	Т	otal
	K.	I.	К.	I.	К.	I.	К.	I.
1914 1915 1916 1917 1918 1919 1919 1919 1919 1919 1919 1920 1921 1922	31 8 17 16 22 28 4 17 4 5	339 239 140 280 342 202 274 379 240 376	249 69 120 155 137 117 91 80 91 83	1,250 873 788 1,174 1,220 1,344 951 1,570 1,344 2,084	314 230 200 212 174 119 128 157 148 155	310 251 197 239 268 267 277 381 344 396	594 337 383 383 364 223 254 243 243 243	1,899 1,363 1,125 1,693 1,830 1,813 1,502 2,330 1,928 2,856

No. 18.—STATIMENT Showing Number of Persons Killed and Injuryd in the More Deminest Ascidents on the Various Rail-ways under the Jorisdiction of the Bornd Shown Sepanduly for stell Year for the Year Ending Merch 31, 1919; Nine Months Ending December 31, 1920; Twelve Months Ending December 31, 1921; and Twelve Months Ending December 31, 1921; and Twelve Months Ending December 31, 1921; and Twelve Months Ending December 31, 1922.

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Total	X. 25.12.25.25.25.25.25.25.25.25.25.25.25.25.25
1922	1. 213 644 864 864 864 864 864 864 864 864 864
19	K. 10 10 10 10 10 10 10 10 10 10 10 10 10
1921	I. 150 150 160 160 160 160 160 160 160 160 160 16
10	. Tagara 200 400 1000000000000000000000000000000
1920	1. 316 866 878 878 878 878 878 878 878 878 87
100	H 1 1 2 CC 2 CC C C C C C C C C C C C C C
months 1919	. 1
9 mc	. 24-1 2 5188.447 17-11-172 081
1919	1. 1. 1. 1. 1. 1. 1. 1. 1. 1.
16	K. 274 274 274 218 218 218 218 218 218 218 218 218 218
	Derailment Collision head on Collision rear end Collision in yard Collision with cars, open switch. Collision with cars standing foul Collision with cars standing foul Collision with cars standing foul Inghway crossing protected Adjusting couplers, coupling, etc. Trespassing Hand car, motor, struck by train Struck by switch stand, etc. Crushed between cars and buildings. Falling off passenger train Falling off top of car. Falling off to board train in motion. Attempt to board train in motion. Attempt to board train in motion. Run down by engine or car. Locomotive dropping crown sheet.

No. 19.—Statement Showing Number of Cars Inspected Together with Defects for Twelve Months Ending December 31,

Per cent Defective	4.70 1.96 6.11 1.80 1.5.70 1.61 4.61 4.54 5.88 14.28	4.52
Hand- holds	888 833 833 833 834 11 12 12 12 13	205
Per cent Defective	15.25 12.91 22.91 25.55 7.95 7.79 7.28 13.68 23.52 7.69 7.69	15.51
Uncoupling Mechanism	2357 2357 2557 257 257 257 257 257 257 257 257	703
Per cent Defective	2 5.50 1 3.2 1 8.0 2 9.4 2 9.4 2 9.4	2.51
Couplers and parts	10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	114
Crand Total Defects	88.1.1.0.08.0.08.0.0.0.0.0.0.0.0.0.0.0.0	4,531
Per cent Defective	4474	4.94
Cars Defective	, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 1, 040, 140, 1	4,057
Cars	33,752 28,630 16,310 1,785 1,386 1,386 1,785 4,260 615 205 507	82,128
Name of Railway	Canadian Pacific. Grand Trunk Canadian National Pere Marquette. Toronto, Hamilton and Buffalo. E. D. and B. C. Boston and Maine Michigan Central. Great Northern. Kettle Valler. Algoma Central. Esquimalt and Nanaimo	

	Per cent Defective	4.68 3.50 2.50 2.00 2.00 2.00 2.00 2.00 2.00 2	5.05
	Miscel- laneous	\$44.8 - 222 242 342 3	. 229
	Per cent Defective	1 - 68 0 - 49 1 - 94 2 - 80 2 - 88 5 - 88 1 - 56	1.36
	Height of Couplers	31 22 22 1 1	62
	Per cent Defective	9-85 15-14 25-17 2-42 18-42 13-63 2-94 2-94 2-94 2-94 2-94	9.04
	Sill steps	180 30 30 171 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	410
-	Per cent Defective	3.05 2.37 1.15 2.77 2.88 5.20 5.20 13.63 2.94 3.12	2.47
Name and the second	Ladders	2777 2779 2779 2779 2779 2779 2779 2779	112
	Per cent Defective	58.16 72.28 46.23 46.23 86.11 86.11 75.00 75.45 57.14 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10 87.10	59.50
	Air	1,068 845 845 522 31 81 18 18 18 12 12 12 12 12 12 12 12 12 12 12 12 12	2,696
	Name of Railway	Canadian Pacific Grand Trunk Canadian National Pere Marquette Toronto, Hamilton and Buffalo. E. D. and B. C. Boston and Maine. Michigan Central Dominion Atlantic Great Northem Kettle Valley Algoma Central Esquimalt and Naniamo.	

No. 20.—Statement Showing Defective Safety Appliances on Freight Cars as Reported by the Inspectors for Twelve Months Ending December 31, 1922.

COUPLERS AND PARTS		AIR BRAKES
Coupler body broken	. 9	Triple valve defective
Complex body worn		Triple valve missing
Coupler body worn. Guard arm short.	_	Reservoir defective
Knuckle broken	. 3	Reservoir loose 2
Knuckle worn	. 1	Cylinder defective. 34 Cylinder loose. 56
Knuckle missing	. 3	Cylinder loose
Knuckle pin wrong		twelve months
Knuckle pin wrong	_	twelve months
Knuckle pin missing		date of cleaning
Lock block broken	. 73	Cut out cock defective
Lock block worn Lock block wrong		
Lock block bent	_	Release cock missing
Lock block inoperative	. 4	Release rod missing
Lock block missing	. 4	Angle cock defective83
Lock block key missing		Angle cock missing
Lock block trigger missing		Train pipe broken 12 Train pipe loose 164
Total	114	Train pipe bracket missing
		Cross-over pipe defective
		Hose defective
UNCOUPLING MECHANISM		Hose missing 50 Hose gasket missing 3
Uncoupling lever broken	. 26	Retaining valve defective 79
Uncoupling lever wrong		Retaining valve missing
Uncoupling lever bent	. 45	Retaining pipe defective
Uncoupling lever incorrectly applied	. 14	Retaining pipe missing
Uncoupling lever missing	. 19	Brake rigging defective
Uncoupling chain too long		Brake cut out. 1,184 Brake cut out, card old. 2 No Brake of any kind. 3
Uncoupling chain too short	. 1	No Brake of any kind
Uncoupling chain kinked	. 7	Pump missing
Uncoupling chain missing	29	
End casting broken		Total2,696
L: d casting wrong End casting bent	2	
End casting looseEnd casting incorrectly applied	2	
End casting incorrectly applied	1 5	LADDERS
End casting missing		100
Keeper broken		Ladder round broken
Keeper wrong	-	Ladder round bent 66 Ladder round loose 8
Keeper bent	-	Ladder round missing
Keeper incorrectly applied		Ladder loose
Keeper missing	~	Ladder incorrectly applied 3
ringle cup 100se		Total 112
Total	703	Total
HANDHOLDS		
		SILL STEPS
Handhold broken	29 98	Sill step broken
Handhold bent Handhold loose	61	Sill step bent 208
Handhold incorrectly applied	9	Sill step loose 1/3
Handhold missing	8	Sill step incorrectly applied
m . 1	005	Sill step missing
Total	205	Total 410
HEIGHT OF COUPLERS		
Coupler too high	4	MISCELLANEOUS—Total
Coupler too low	22	
Carrier iron loose	36	Grand Total 4,531
Total	62	
10001		

No. 21-A—Statement of defects on Freight Cars Shown Separately for Year Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, Twelve Months Ending December 31, 1921, and Twelve Months Ending December 31, 1922.

	1919	Nine months ending Dec. 31, 1919	Twelve months ending Dec. 31, 1920	1921	1922	Total
Couplers and parts Uncoupling mechanism. Handholds. Air brakes Ladders. Sill steps. Height of couplers. Miscellaneous	109 809 152 2,959 142 236 11 342 4,760	71 398 55 1,507 71 179 9 92 2,382	139 657 123 2,318 166 249 21 97	89 717 234 2,925 254 290 44 330	114 703 205 2,696 112 410 62 229	522 3, 284 769 12, 405 745 1, 364 147 1, 090

No. 21-B—Statement of Cars Inspected and Defective shown Separately for Year Ending March 31, 1919, Nine Months Ending December 31, 1919, Twelve Months Ending December 31, 1920, Twelve Months Ending December 31, 1921, and Twelve Months Ending December 31, 1922.

		***				
	1919	Nine months ending Dec. 31, 1919	Twelve months ending Dec. 31, 1920	1921	1922	Total
Cars inspected. Cars defective.	77, 261 4, 232	45,871 2,142	66, 108 3, 135	76,789 4,352	82, 128 4, 057	348, 157 17, 918
Per cent defective	5.48	4.67	4.74	5.66	4.94	5.14

No. 22. Statement Showing	Numi	oer of	Engines Jonths En	End	0 ' '	reted by December		Railways, 31, 1922.	Together		with	the	Defects	ts, for		welve
L. remotive defects	C.P.R.	G.T.R. M.C.R	M.C.B.	Wab.	N.R.	E.D.	P.M.B.	A.C.	0.M.	- <u>- 2</u>	K.V.JE	West	Maine	H. &	Q.C.R.	
1, Air compressors.	· ·	1.						1 :								
		K 4			13											
5. Blow-off cock.		. 10						_								
7. Boiler shell					. 4	:			. :							
Cabs or eab windows.  On Cab aprens or deeles					- 			:	:					* · ·		
12. Coupling or uncoupling devices.		83	:		: 00			:		·						
14. Crown holts		:	; p===					: :	::							
<ol> <li>Cylinders, saddles or steam classis</li> <li>Cylinder cocks or rigging</li> </ol>				: :	: :	: :	: :							: :		
	p					:	:	:	:	:			:		:	
was chose weathers wathertale		2 -	: .													
Dilloring Dones, silves, wedges, pedestas	1				:	:	:	:					:	:	:	
22. The box sheets,			01 0	: :	: -			: :								
23. Frames, tail-pieces, or Graces, locomotive 24. Frames, tender	67	?1					-				21 :					
25. Gauges or gauge fittings, air					-					:	: :					
27. Gauge cocks			:	:	:	:	:			:	:					
	- 05	:3	-		17		21									
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#### APPENDIX "E"

REPORT OF THE CHIEF FIRE INSPECTOR OF THE BOARD, CLYDE LEAVITT, FOR THE YEAR ENDING DECEMBER 31, 1922

#### ORGANIZATION

The policy established in 1912 has been continued, under which the several Dominion and Provincial forest-protective organizations have co-operated with the Board, in the local handling of railway fire-inspection work. Under this arrangement, 97 members of such organizations throughout Canada have been authorized to act as local officers of the Fire Inspection Department. On the whole, this form of organization has worked to the great advantage of all concerned.

In Ontario, increased efficiency in local inspection has resulted from the adoption, by the Ontario Forestry Branch, of the District system of organization in the eastern portion of the province—Three forest districts were established, with headquarters at Pembroke, Parry Sound and Tweed, under experienced foresters. A notable improvement in our local inspection resulted from this improved form of organization, which it is anticipated will be further extended during 1923.

The form of organization in the other provinces remained substantially as

in previous years.

#### GENERAL ORDER NO. 362

The outstanding feature of the year was the issuance of General Order No. 362, dated April 19, 1922. This order comprises a revision of General Order No. 107, which it supersedes. Notable improvements in the new order are in connection with: (a) Greatly improved requirements relative to fire-protective appliances on locomotives; (b) Modified regulation of the use of non-coking coals as locomotive fuel, during the fire season; (c) Provision for reducing the occurrence of fires caused by burning smoking materials thrown from trains.

#### RAILWAY FIRE PATROLS

In general, the requirements for special fire patrol have been well observed by the railways. As noted last year, there is an increasing tendency toward the handling of special fire patrol by selected members of the regular section forces. With comparatively few exceptions, fires have been discovered promptly and adequate steps taken to extinguish same.

#### LOCOMOTIVE FUEL

Oil fuel continued in exclusive use in British Columbia on the Canadian National Railway between Prince George and Prince Rupert, 468 miles; Canadian Pacific Railway, between Field and Revelstoke, 126 miles; and on the Esquimault and Nanaimo Railway, 199 miles; total 793 miles. On the Canadian Pacific Railway, between Revelstoke and Kamloops, 129 miles, oil fuel was used only on locomotives in passenger service.

Early in the spring a serious situation arose on Canadian National lines in the West, resulting from the strike of union coal miners in northern Alberta. Regulation 7, General Order No. 107, prohibited the use of lignite coal as locomotive fuel, lignite coal being defined as intermediate between peat and

bituminous, with a carbon-hydrogen ratio of 11.2 or less, based on analysis of air-dried coal. This regulation, enacted in 1913, later became inadequate to cover the situation, because of the development in northern Alberta of certain coal mines whose product had a carbon-hydrogen ratio greater than 11.2, but the use of which as locomotive fuel, with standard front-end fire-protective appliances, resulted in the setting of an excessive number of fires. The coals in question were characterized by a light body, high moisture content and the absence of coking properties. Technically, the use of these coals as locomotive fuel was not prohibited by General Order No. 107, although, in practice, such use was, as a matter of policy, closely restricted by the railways because of their demonstrated sparking proclivities.

In view of this changed situation, when General Order No. 107 was being revised, for issuance as General Order No. 362 (dated April 19, 1922), a new

regulation was drafted, as follows:-

"8. That, unless otherwise ordered, no such railway company, between April 1, and November 1, burn as fuel on its locomotives, steam shovels, ditching machines, and pile drivers, any coal not possessing good coking properties, the use of which with standard front-end fire-protective appliances prescribed by clause 2, results in the emission of sparks from the stack to an extent deemed by the Board to be dangerous to the public interest, unless such equipment is provided with special fire-protective appliances approved by the Board. Whether any particular coal possesses good coking properties shall be determined by certificate from the Mines Branch, Department of Mines, Ottawa."

This regulation recognizes the obvious fact that front-end fire-protective appliances designed for use with bituminous coal having good coking properties are not necessarily adapted to use with light bodied, non-coking sub-bituminous coal, of the character produced by certain mines in northern Alberta which are otherwise well adapted for use as locomotive fuel.

The mines in question are situated on the Canadian National Railway, which

comprises their natural market, so far as locomotive fuel is concerned.

Under normal conditions, the Canadian National would be able to secure from other mines in its territory adequate supplies of coal having good or fairly

good coking properties and decidedly less sparking propensities.

However, due to the strike of union coal miners which prevailed in northern Alberta early in the year, the output from such mines was greatly reduced and finally practically stopped, so that the Canadian National was finally faced. in the early spring, with the alternative of either greatly reducing train service, due to shortage of fuel, or of using on some of its lines, non-coking and poorly coking grades of coal, partly from mines whose production had been greatly decreased but not entirely stopped, and partly from one of the mines operated as a steamshovel proposition and therefore not affected by the strike of union

During May an epidemic of fires broke out on some of the Canadian National lines in northern Alberta where non-coking grades of coal were in use. The situation was particularly aggravated on the Alberta Coal Branch, comprising the Lovett, Mountain Park and Luscar Subdivisions. Most of these fires were small, but some escaped and covered considerable areas. The matter was taken up with the management and assurance was received by the Board that only coking grades of coal would be used in forest sections.

Formal representations were made by the company, setting forth the situation resulting from the strike, and making application for temporary relief. The

outcome was the issuance by the Board of Order No. 32657, dated July 24, 1922, suspending until August 15, the provisions of regulation 8, General Order No. 362, as to portions of Canadian National Western Lines operating through non-forested territory. The use of non-coking coal in prairie sections was considered less hazardous than in forest sections, because of the construction by the railway of fire-guards in the former, coupled with a generally less inflammable condition, and the fact that any fires that might occur would be more readily controlled than in forested areas.

The strike, however, continued, and it was necessary to continue the temporary suspension granted by Order No. 32657. This was done by succes-

sive orders, effective until the close of the fire season, November 1.

In the meantime, investigations and experiments were carried forward by the Canadian National with a view to developing and demonstrating a sparkarresting device that should work satisfactorily with non-coking grades or sub-bituminous coal. These experiments are still under way, not having reached

more than a partially successful conclusion at the end of the year.

The excessive occurrence of spring fires along the Canadian National in forested sections in northern Alberta and eastern British Columbia is discussed below. It may be added that, while statistics of railway fires in prairie sections are not published in this report, our information, based on reports available, is to the effect that there was a very substantial increase in the occurrence of railway fires along the Canadian National in the prairie or non-forested sections of the Prairie Provinces. This should presumably be attributed, at least very largely, to the partial use in such territory, during the fire season, of non-coking grades of coal, without special spark-arresting devices to overcome this additional nazard.

Barring the recurrence of protracted strikes, the situation in these respects should be greatly improved during the coming year.

#### FIRE STATISTICS

The fire season of 1922 in British Columbia and northern Alberta was unusually serious. Normal conditions prevailed in Saskatchewan and Manitoba, except for a short period during September. Eastern Ontario and Western Quebec experienced an exceedingly dry spring, with extreme drought again during September and October. Conditions in the Maritime Provinces were normal. Taking into consideration the abnormal climatic conditions prevailing in these portions of the country, the number of fires attributed to the operation of railways, while large, is not out of proportion to the hazard.

Except in one case, fires set by the railways have been early detected and quickly extinguished. The one fire excepted burned over 29 per cent of the total area burned and did 34 per cent of the total damage, charged to railway causes. This fire, although brought under control, was not entirely extinguished, and as a result a second outbreak occurred during a period of high wind, with disastrous results. Had a tank car pumping unit or a portable fire-fighting pumping unit been quickly available, the fire could have been completely extinguished and heavy damage to valuable timber prevented. It is expected that the territory in question will be so protected during the ensuing year.

Taking the situation as a whole, it may fairly be said that the actual loss occasioned by railway fires, while high in the aggregate, is nevertheless low in comparison with forest fire losses throughout the country, due to other agencies. The railways are showing increased efficiency in the handling of their forest fire problem, although obviously there is still ample room for improvement.

The submission of fire reports by railway companies under the Board's Circular No. 133 is limited to lines or portions of lines broadly classified as running through forest sections. The total of lines so classified is 11,285 miles, approximately one-third of the total railway mileage under the Board's jurisdiction.

Of the total number of fires attributed to locomotive sparks in forested territory throughout the Dominion. 52·2 per cent occurred along 728 miles of the Canadian National Railway lines west of Edmonton in the provinces of Alberta and eastern British Columbia. Of all locomotive fires, 338, or 33·8 per cent, occurred on 92·7 miles of lines covering the Lovett, Mountain Park and Luscar Subdivisions, south of Bickerdike, known as the Alberta Coal Branch lines. The balance of 478 fires set by locomotive sparks were spread over 10,557 miles of lines of all railways running through forest sections. The high percentage of locomotive fires set by Canadian National in northern Alberta and eastern British Columbia is attributed chiefly to the temporary use of subbituminous coal as locomotive fuel, as above discussed.

It should be noted that of the 338 fires attributed to locomotives on the Alberta Coal Branch lines during the season, 174, or 51 per cent, occurred prior to June 1, and 240, or 71 per cent, occurred prior to June 8, by or before which date the use of non-coking coal had been discontinued on these lines in favour of the grades having good or fairly good coking properties. While the great majority of these fires were of small size and caused no damage, the very fact of their occurrence constitutes a danger signal of the most urgent character. The damage must have been very much greater had it not been for the intensive patroi maintained by the railway under our fire patrol requirements, the close inspection maintained by our local organization, and the construction of several miles of fire guards at most dangerous points adjacent to the right of way, at the expense of the Dominion Forestry Branch, which is vitally concerned because of the forest reserve which is penetrated by the railway lines in question.

The troubles on the Coal Branch lines were further aggravated by the use of certain light locomotives in heavy service, necessitating a heavy exhaust, with resulting excessive sparking. The railway company proposes to superheat these light locomotives, with a view to increasing their capacity, thus obviating

the excessive throwing of dangerous sparks.

A grand total of 1,598 fires from all causes were reported as having originated within 300 feet of railway lines in forested territory along railways subject to the jurisdiction of the Board, as follows:—

Province	Number of fires	Per cent of total
British Columbia. Prairie Provinces. Ontario. Quebec. New Brunswick. Nova Scotia.	551 560 272 166 18 31	35 35 17 10 1 2
Totals	1,598	. 100

Of the grand total of fires, 759, or 47.5 per cent, are class A fires, which burned over less than one-fourth acre each, doing no damage; while 839, or 52.5 per cent, are class B (larger) fires, which burned over 118,012 acres and destroyed forest growth and forest products valued at \$187,046, and other property valued at \$35,547, a total of \$222,593.

Of the grand total, 1,205 fires, or 75.4 per cent, were definitely attributed to railway agencies; 120 fires, or 7.5 per cent, to known causes other than railways; and 273 fires, or 17.1 per cent, to unknown causes.

Of the total area of 118,012 acres burned over, 89.9 per cent is chargeable to railway causes, 4.5 per cent to known causes other than railways, and 5.6 per

cent to unknown causes.

Of the grand total area of 118,012 acres burned over, 44.1 per cent is classified as lands carrying young forest growth; 19.1 per cent as lands carrying stands of commercial timber; 33.0 per cent as cut-over or previously burned-over lands; and 3.8 per cent as non-forested and grass lands.

Of the total of \$222,593 damage, the railways are definitely charged with 83.9 per cent, 3.8 per cent of the damage is due to known causes other than

railways, and 12.3 per cent to unknown causes.

Of the 1,205 fires which the railways are definitely charged with having caused, 1,000, or 62.5 per cent of the grand total, are attributed to sparks from locomotives, and 205 fires, or 12.9 per cent of the grand total, to railway employees.

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within	Canadian National (Western Lines) (c)	358 245 358 358 358 358	20,925 4,997 12,218 1,388	39,528	\$ 55,286 14,014 55 9,066	\$ 78,421	70 O H 70 4	15	21
ginating ay Com	Canadian Canadian Canadian Pacific Pacific National (Western (Eastern (Western Lines) (a) Lines) (b) Lines) (c)	355 355 44 47 77 84	972 132 304 1,028	2,436	\$ 3,166 1,700 1,965	\$ 6,902	0 1 4 % CT	26 10	36
tions ori	Canadian Pacific (Western Lines) (a)	104 101 120 116 120 236	2,523 2,512 1,077 397	6,509	\$ 2,067 4,364 500 2,538	\$ 9,469	7874	155	23
SUMMARY of Reports on Fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, Season of 1922.		1. Number by Causes—  (a) Locomotives, Class A fires. Locomotives, Class B fires. (b) Employees, Class B fires. Employees, Class B fires. (c) Total of Class A fires. Total of Class B fires. Total of Class B fires. Total of Lair railway fires.	(a) Young forest growth (b) Timber land (c) Slashing or old burn. (d) Other classes of land	(e) Total.	3. Value of property destroyed—  (a) Young forest growth  (b) Standing timber  (c) Forest products.  (d) Other property.	(e) Total	B.—Known Causes other than Railway Fires  1. Number by causes— (a) Campers and travellers, Class A fires (b) Settlers, Class B fires. (b) Settlers, Class B fires. Settlers, Class B fires. (c) Other known causes, Class A fires. (d) Other known causes, Class B fires.	(d) Total of Class A fires.  Total of Class B fires.	Total of all known causes

SUMMARY of Reports on Fires in Forest Sections originating within 300 feet of track on Railway Lines subject to the jurisdiction of the Board of Railway Commissioners for Canada, Season of 1922.—Concluded.

							1.	3 GEORGE V	/, A	. 1923
Totals	788 788 922 3,496 189	5,395	\$ 523 6,475 1,323	\$ 8,422		103	273	346 676 4,508 1,013	6,543	\$ 869 1,115
Miscel- laneous (e)						ক ক	œ	ro 6100	15	70
Algoma Central and Hudson Bay	251	251	669	69		কা কা	00	0.40	00	12
Edmonton  ton  Dunvegan and British  Columbia	162	162	69	66		15	16	49 10 356	415	\$ 136
Great	1,501	1,501	150	\$ 150		2	7	2000	200	
Grand		H	69			co c7	5	70	20	90
Canadian Canadian National National (Western (Eastern Lines) (c) Lines) (d)	626 40 222 7	695	\$ 380 65 101 127	\$ 673		26	53	53 301 265 351	970	\$ 44
Canadian National (Western Lines) (c)	118 860 1,542 5	2,525	\$ 102 6,350 860	\$ 7,312		10	40	102 325 2,973 161	3,561	\$ 561
Canadian Pacific Eastern) Lines) (b)	26	09	56	\$ 52		14 34	48	126 28 473 110	737	\$ 114
Canadian Pacific (Western Lines) (a)	18 22 155 5	200	\$ 15 60	\$ 235		41	888	6 10 291 25	332	\$ 122
	2. Areas burned (acres)—  (a) Young forest growth  (b) Timber land  (c) Slashing or old burn  (d) Other classes of land	(e) Total	3. Value of property destroyed—  (a) Young forest growth.  (b) Standing tim ber  (c) Forest products.  (d) Other property.	(e) Total.	C.—FIRES OF UNKNOWN ORIGIN	1. Number— (a) Total of Class A fires. (b) Total of Class B fires.	(c) Total of all unknown fires	2. Areas burned (acres)—  (a) Young forest growth  (b) Timber land  (c) Slashing or old burn  (d) Other classes of land	(r) Total	3. Value of property destroyed—  (a) Young forest growth  (b) Standing timber

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5,129	\$ 27,393		759	1,598	52, 019 22, 518 38, 924 4, 551	118,012	95,227 73,768 18,051 35,547	, 222, 593
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9, 500	\$ 9,512		19	26	284 287 20	360	64	\$ 9,565
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300	\$ 314		15 20	35	2,103	2,131	\$ 114	\$ 464
	00		14 18	32	1,171 1,627 15,028 127	17,953	\$ 2,364 10,874	\$ 13,273
34	\$ 507		99	202	25,845 11,838 1,844 1,844	40,039	\$ 31,185 34,305 12,301 474	\$ 78,265
720	\$ 2,311		374 319	693	21, 145 6, 182 16, 733 1, 554	45,614	\$ 55,949 20,687 10,633	\$ 88,044
4,255	\$ 12,431		64	178	1,124 160 802 1,147	3,233	\$ 3,306 1,862 4,326 9,891	\$ 19,385
1,830	\$ 2,088		165	347	2,547 2,544 1,523 427	7,041	\$ 2,083 4,546 4,528 4,528	\$ 11,792
(c) Forest products (d) Other property.	(e) Total	D.—Grand Totals for all Causes	Number— (a) Total of all Class A fires. (b) Total of all Class B fires.	(c) Total of all fires reported	Areas burned (acres)— (b) Young forest growth (c) Timber land (c) Slashing or old burn (d) Other classes of land.	(e) Total	lue of property destroyed— Young Forest growth. Standing timber. Forest products.	Total.
50	6		V 20	0	43503	9	1 2002	(e)

Includes Esquimalt and Nanaimo and Kettle Valley Railways.

(g)

(b) Includes Dominion Atlantic, Fredericton and Grand Lake Coal and Railway, New Brunswick Coal and Railway and Quebec Central Railway.

(c) Includes Canadian National Railway lines subject to the Board's Jurisdiction. Excludes Canadian Government Railways.)

Hudson Bay Railways.)

(d) Includes Halifax and South Western Railway

(e) Includes following lines: Algoma Eastern; Maritime Coal Railway and Power Company; Maine Central; Temiscouata; Western Power Company of Canada; Nors.—No fires were reported during 1922 as originating within 300 feet of track along the following lines: Atlantic, Quebec & Western; Boston and Maine; Cumberland Railway and Coal Company; Ottawa and New York; Quebec, Montreal and Southern, Quebec Oriental. Class A fires are those which cover an area of less than one-fourth acre. Class B fires are those which cover an area of one-fourth acre or more. White Pass and Yukon Route.

#### FIRE-PROTECTIVE APPLIANCES ON LOCOMOTIVES

During the fire season of 1922, officers of the Fire Inspection Department inspected fire-protective appliances on 2,556 locomotives operating through forested territory. Of this total, the fire-protective appliances on 119 locomotives, or 4.7 per cent, were found to be in a defective condition. This comprises an excellent showing, although obviously there is still room for substantial improvement.

This phase of the work is primarily under the jurisdiction of the Board's Operating Department, and our activities in this connection are in co-operation

with that Department.

Experience shows that the Master Mechanics front-end is difficult to maintain in good order from the viewpoint of fire prevention; also that even when the fire-protective appliances are maintained in good order, a great many fires may still be set by sparks from the stack, during periods of drought. One of the most crying needs, so far as fire protection is concerned, is for the demonstration and general adoption of some device that will effectually do away with the emission of dangerous sparks from the stacks of locomotives. This we do not yet have. The need is particularly urgent for the development of a device that will give satisfactory results with light-bodied non-coking coals such as are found in certain portions of northern Alberta.

Inspections of Locomotive Fire-Protective Appliances, 1922. By Fire Inspection Department, B.R.C.

Railway	Province	Number Inspected	Number Defective	Per cent Defective
C.P.R. (including N.B.C. & Ry. and F. & G.L.C. and Ry). C.P.R. (including Quebec Central). C.P.R.	New Brunswick Quebec. Ontario. B.C.	65 181 815 204	9 5 43 18	13·8 2·7 5·3 8·8
Totals		1,265	75	5.9
C.N.R	Quebec. Ontario. ManSaskAlta Br. Columbia	70 418 154 158	2 12 6 3	2·9 2·9 3·8 1·9
Totals		800	23	2.9
G.T.R.	Quebec Ontario	27 220	1 6	$\begin{array}{c} 3 \cdot 7 \\ 2 \cdot 7 \end{array}$
Totals		247	7	2.8
A.Q. & W. & Q.O. A.C. & H.B. A.E. G.N.R. K.V.R. E.D. & B.C. Temiscouata. Maine Central. Central Vermont Q.M. & S. B. & M. W.C.P. Co. W.P. & Y. Route.	Quebec. Ontario Ontario Br. Columbia. Br. Columbia. Alberta. Quebec. Quebec. Quebec. Quebec. Quebec. Quebec. Br. Columbia. Br. Columbia. Br. Columbia.	26 45 19 19 35 14 18 4 25 5 10	0 1 0 3 4 2 0 1 1 1 0 1	0.0 2.2 0.0 16.0 11.4 14.3 0.0 25.0 25.0 4.0 0.0
Totals all railways		2,556	119	4.7

## FIRE GUARD STATISTICS

The statistical fire-guard report for 1922 shows an increase of 70.85 track miles over 1921, making a total of 14,855 06 track miles of railway lines in the Prairie Provinces subject to the fire-guard requirements, equivalent to 29,710.12 fire-guard miles, since fire-guards are required to be maintained on both sides of the track.

The report indicates that 9,896-78 miles of fire-guards were constructed or maintained during the past year, and 19,813 34 miles were, for various reasons. not constructed. Of this total, there were exempted by this Department 9,246.58 miles; owner of land refused to allow construction, 73.68 miles; land already ploughed, 3,039 93 miles; grain stubble and cultivated hay lands not fireguarded by owner, 5,877.17 miles. Thus, as to a total of 18,237.36 miles of fire-guards not constructed, the reasons assigned by the companies were considered acceptable, leaving 1,575-98 miles unaccounted for, but at least a considerable portion of which presumably should have been fire-guarded.

As to 15,530.0 fire-guard miles on Canadian National lines, the company submitted revised exemption charts, which were inspected and passed upon by

this Department during the past year.

There is an annual reduction in the mileage of fire-guards constructed, by reason of lands being placed under cultivation. Thus, the annual burden of cost of construction and maintenance of fire-guards on the railways is gradually becoming less from year to year.

SUMMARY of Fire-Guard Construction and Maintenance by Railways in the Provinces of Manitoba, Saskatchewan and Alberta, 1922

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Length in track miles  Length in fire-guard miles (1).  Fire-guards constructed (shown in fire-guard miles)—	478·10 956·20			6,449·58 12,899·16	$14,855 \cdot 06 \\ 29,710 \cdot 12$
Grain stubble lands   Fireguarded Cultivated hay lands   by owner Fenced grazing lands	35.00 $4.50$ $9.70$ $2.50$	40 · 00 49 · 00	$\substack{1,490\cdot 46\\276\cdot 90\\1,031\cdot 12\\900\cdot 71}$	$2,416 \cdot 32$ $19 \cdot 25$ $1,632 \cdot 07$ $1,787 \cdot 25$	$\begin{array}{c} 4,142 \cdot 28 \\ 340 \cdot 65 \\ 2,721 \cdot 89 \\ 2,691 \cdot 96 \end{array}$
Total miles of fire-guards con- structed	51.70	291.00	3,699·19	5,854.89	9,896.78
Fire-guards not constructed (shown in fire-guard miles)— Exemptions (2).  Owner refuses to allow construction (3) Unnecessary; land already plowed (4). Grain stubble lands \ Not fire-guard-Cultivated hay lands \ ed by owner (5) Miscellaneous other reasons.	825·90 6·00 56·50		5,463·83 8·00 1,628·81 3,504·17 421·79 804·21	2,926.85 65.68 1,405.12 1,811.03 76.28 759.31	9,246·58 73·68 3,039·93 5,371·70 505·47 1,575·98
Total miles of fire-guards not constructed	904.50	33.76	11,830.81	7,044.27	19,813.34

<sup>1.</sup> Fire-guard mileage is double the track mileage, since the construction of fire-guards is required on both sides of the track.

3. Employees of railway company refused permission, by owner, to enter upon lands for purpose of constructing fire-guards.

<sup>2.</sup> Company exempted from fire-guard construction, as to portions of line where showing made that such construction is unnecessary or impracticable.

Fire-guarding unnecessary, because fields already plowed.
 Fire-guarding in grain stubble and in cultivated hay lands required only where the land owner or occupant will undertake to plow guard at the reasonable price specified by the Board, to be paid by the railway company.

## APPENDIX "F"

## THE BOARD OF RAILWAY COMMISSIONERS FOR CANADA

## RECORD ROOM

List of cases appealed to the Supreme Court of Canada, from February 1, 1904, to December 31, 1922

File	No.	Subject	Decision
	643	Montreal Terminal Pailway as Montreal Street Pailway Pins Ava upon	
	040	Montreal Terminal Railway vs. Montreal Street Railway, Pius Ave., upon question of jurisdiction.	Allowed
	1455	question of jurisdiction.  James Bay Railway vs. G.T.R., undercrossing at a point near Beaverto Ont., Lot 13, Con. 7, Tp. of Thorah	n, Dismissed
	1492	James Bay Kallway vs. G.I.K., crossing Belt Line Spur. Question of law.	Dismissed
	383	Ottawa Electric Railway and City of Ottawa vs. Canada Atlantic Railway, re Bank Street Subway, Ottawa. Question of law	Dismissed
	1621	Toronto Railway Co., against Order 7813, July 3rd, 1909, re high level bridge	
		over Don Improvement and tracks of G.T.R. and C.P.R., Toronto. Question of jurisdiction	Dismissed
	588	Question of jurisdiction.  Re Toronto Union Station. A. R. Williams expropriation. Question of	
C.	1680	jurisdiction. Essex Terminal Railway and W. E. & L.S.R.R. Railway crossing in the	Dismissed
C.	1200	Tp. of Sandwich, Ont. Question of law	Dismissed
· .	1309 689	Robinson vs. G.T.R., two-cent rate. Question of law	Dismissed Dismissed
	$\frac{1497}{9527}$	C.P.R. vs. G.T.R., re branch line at London, Ont. Question of jurisdiction. T. D. Robinson vs. C.N.R., spur at Winnipeg. Question of jurisdiction	Dismissed
	9527	Montreal Street Railway, re rates, Mount Royal Ward. Question of jurisdiction	Allowed
C.	1419	diction. Ontario Department of Agriculture vs. G.T.R., re station at Vineland, Ont.	Diamiggad
C.	3322	Jurisdiction	Dismissed Dismissed
C.	4897	Refencing and cattleguards, Order 7473. Appeal of C.N.R. upon question of jurisdiction.	Allowed
C.	4492	City of Toronto vs. G.T.R. and C.P.R., re commutation rates. Question of	
C. C.	$\frac{3378}{2545}$	law City of Ottawa and County of Carleton re Richmond Road Viaduct. Ques-	Withdrawn
	40000	tion of jurisdiction.  G.T.R. and C.N.O.R., re spur in Tp. of Scarboro, Ont. Question of jurisdiction.  G.T.R. 28. British American Oil Cos., re oil rates. Question of law	Dismissed
	13079	diction	Dismissed
C.	3269	G.T.R. vs. British American Oil Cos., re oil rates. Question of law	Dismissed
	1519	G.T.P.R. vs. City of Fort William, Ont., re location. Question of jurisdiction.	Dismissed
	11965 15580	N. St. C. & T. Railway vs. Davy. Question of jurisdiction	Allowed
	10000	Clover Bar Coal Co., and Wm. Humberstone vs. G.T.P. and the Clover Bar Sand and Gravel Co. Question of jurisdiction	Dismissed
	12682 17963	Regina Rates Case. Question of law	Dismissed
C.	3269	C.P.R. vs. British American Oil Companies. Question of jurisdiction	Dismissed
	$15530 \\ 530 \cdot 1$	G.T.R. and C.P.R. vs. Canadian Oil Companies. Question of jurisdiction	Dismissed
	20062	B.C. Electric Railway, V.V. & E. Railway vs. City of Vancouver, B.C.	
	27095 1487	Question of jurisdiction.  E. B. Chambers and W. B. G. Phair vs. C.P.R. Question of jurisdiction	Dismissed Allowed
	18578	U.N.A. vs. win. A. I avior. Question of jurisdiction	Dismissed
	19435 329 · 9	G.T.R. vs. City of Edmonton. Question of law. Montreal Tramways and M.P. & I. Railway vs. Lachine, Jacques Cartier	Dismissed
		and Maisonneuve Railway. Jurisdiction.  City of Hamilton vs. T.H. & B. Railway. Question of jurisdiction	Allowed
	23009 21428	G.T.R. vs. Hepworth Silica Pressed Brick Co. Question of law	Allowed
120	21.70	G.T.R. vs. Hepworth Silica Pressed Brick Co. Question of law.  Toronto Ry. Co., and City of Toronto vs. C.P.R. Question of law and	D:
943 C.	$37 \cdot 153$ $3935$	jurisdiction. City of Edmonton vs. E.D. & B.C. Railway. Question of law	Dismissed Dismissed
	16171	Ingersoll Tel. Co., and others vs. Bell Tel. Co. Question of law	Dismissed
	27524 13622	G.N.W. Telegraph Co., submits for opinion of Court a question of law in-	Withdrawn
		volved in matter of General Order No. 162.  Government of Manitoba and J. H. Ashdown Hardware Co., re 15 per cent	Abandoned
	21040	increase in freight rates. Question of jurisdiction	Abandoned

List of cases appealed to the Supreme Court of Canada, from February 1, 1904, to December 31, 1922—Concluded.

File No.	Subject	Decision
28439 28950 C. 3378	of Kirkpatrick. Question of law.  Esquimalt and Nanaimo Railway re right of City of Victoria to have access over the bridge at Victoria Harbour. Question of jurisdiction.  Municipality of Burnaby, B.C., vs. British Columbia Electric Railway, re commutation rates. Question of jurisdiction.  City of Toronto vs. Toronto Terminal Railway re pressure pipes under Bay, Scott and Yonge streets, Toronto. Question of law.  Application of Mr. Wegenast for a stated case in re Brampton commutation rates. Question of law.  Ottawa Electric Railway, against Order of Board disallowing proposed increase in passenger rates. Question of jurisdiction.  Board submits stated case for the opinion of the Court on question of jurisdiction in the matter of British Columbia Electric Railway Company's	Abandoned Abandoned Dismissed

#### SUMMARY

Dismissed Allowed	 	. ,		 				 			 	,									1	0
Abandoned Withdrawn	 			 				 			 											5
Total																	٠				4	6

List of Appeals to the Governor in Council, February 1, 1904, to December 31, 1922.

File No.	Subject	Decision
18787 3452·30 12912 17040 C. 3322 12021·70 16177 19024 17716·10 22681·25 21418 21660 26169 17040 27693  27840 28439·3 28230 29040·2 C. 955 30434 29996 C. 955 23092·2 30380 P. 2	City of Montreal vs. C.N.R. siding across Stadacona and Marlboro streets, Montreal, Que. City of Prince George, B.C., re location of G.T.P.R. station between Oak and Ash streets. C.N.C.R. vs. Township of Loughboro, Ont. C.P.R. nad C.N.R. Cos., re interswitching at Eastern Public Cattle Market, Montreal. C.P.R. re Lambton to Weston Spur. (Second Appeal). City of Hamilton vs. G.T.R. re passenger service on Northern and N.W. Branch, between Hamilton and Burlington Beach and Town of Burlington, Ont. Winnipeg Board of Trade re 15 per cent increase in freight rates. Town of St. Lambert, Que., re increase in rates on the Montreal and Southern Counties Railway. City of Hamilton, Ont., re Kinnear Yard, Hamilton. National Dairy Council of Canada on behalf of Canadian Association of Ice Cream Manufacturers, re classification of ice cream. Proprietors' League of Montreal, re increase in Bell Telephone rates. City of Windsor, Ont., for Order rescinding Order of Board No. 30028 authorizing C.P.R. to construct tracks of proposed freight shed at grade across unopened portion of Carom Avenue, Windsor. City of Toronto against General Order No. 308 authorizing a general increas in freight rates. City of Toronto against General Order No. 308 authorizing a general increas in freight rates. City of Toronto against Order No. 31312 re crossing Pointe aux Trembles, Terminal Ry. at Pointe aux Trembles, Que. Appeal of the Corporation of the City of Toronto against the Ruling of the Board (General Order No. 327) with respect to express rates.  [Appeal of the National Dairy Council of Canada from the decision of the	Dismissed Referred back Dismissed Referred back Dismissed Referred back Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Dismissed Abandoned Referred back Dismissed Dismissed Dismissed Dismissed Dismissed Referred back Dismissed Dismissed Peferred back Dismissed Dismissed Dismissed Dismissed Dismissed Peferred back Dismissed Peferred back Dismissed Peferred back Dismissed
	Board and for an Order for the cancellation of the 20 per cent increase in cream rates which was allowed temporarily to express companies on their application of July, 1920.  Appeal of the Dominion Millers Association from the Judgment of the Board, dated March 6, 1922, in the matter of flour arbitraries over wheat for	Referred back
29040.2	Appeal of the National Dairy Council of Canada on behalf of Canadian Ice Cream Manufacturers from Board's Order No. 28883, respecting express classification of ice cream.	Dismissed Pending
	SUMMARY	

#### SUMMARY

Dismissed	18
Referred back	7
Abandoned	5
Withdrawn	1
Allowed	1
Pending	2

Total ...

## APPENDIX "G"

# LIST OF GENERAL ORDERS AND CIRCULARS OF THE BOARD FOR THE YEAR ENDING DECEMBER 31, 1922 GENERAL ORDER No. 353

In the matter of the General Order of the Board No. 271, dated September 10, 1919, as amended by General Order No. 348, dated November 10, 1921, with respect to the Canadian Freight Classification and the Express Classification for Canada, and Sections 322 and 360 of the Railway Act, 1919.

File No. 25639.

Upon reading the submissions filed.—

The Board Orders: That the said General Order No. 271, dated September 10, 1919, as amended by General Order No. 348, dated November 10, 1921, be, and it is hereby, amended by striking out the words, "The Ontario Grocers' Guila", in the ninth line of paragraph 5 of the order, and substituting therefor the words, "Canadian Wholesale Grocers' Association"; and by adding the words, "United Grain Growers' Limited" and "Fruit Commissioners' Office, Department of Agriculture".

OTTAWA, January 3, 1922.

F. B. CARVELL, Chief Commissioner.

#### GENERAL ORDER No. 354

In the matter of the complaint of the Winnipeg Board of Trade, the Western Canada Flour Mills, and others, against the increase in the stop-off charge on grain for storage and milling in transit; and the application of the Dominion Millers' Association for an Order directing that the Grand Trunk Railway Company discontinue excessive stop-over charge of 2 cents per 100 pounds on grain products shipped milling-in-transit for domestic consumption.

File No. 26575

And in the matter of the application of the Dominion Millers' Association and the Montreal Board of Trade for an Order directing the railway companies to grant the right to Ontario and Quebec mills to mill in transit grain grown in Ontario and Quebec.

File No. 8641.12

Upon hearing the matter at various sittings of the Board held in Ottawa, Toronto, Sudbury, Vancouver, Victoria, Vernon, Nelson, Lethbridge, Calgary, Edmonton, Saskatoon, Regina, Winnipeg, and Fort William, in the presence of representatives of the applicants, the railway companies, and other parties interested, and what was alleged,—

The Board Orders: That all railway companies subject to the jurisdiction of the Board file tariffs, effective not later than the 1st day of February, 1922, showing a charge of one cent per 100 pounds for the stop-over privilege on all

grain for storage, milling, malting, or other treatment; such privilege to be granted for all grain produced in Canada, subject to a reasonable charge for out of line hauls.

F. B. CARVELL, Chief Commissioner.

Ottawa, January 4, 1922.

#### GENERAL ORDER No. 355

In the matter of the appointment of caretaker agents at non-agency stations.

File No. 4205.7

Whereas the railway companies subject to the jurisdiction of the Board are required from time to time to appoint caretaker agents at stations at which regular station agents are not maintained,—

The Board Therefore Declares: That the duties of a caretaker agent shall be as follows, namely: To see that the station is kept clean and, when necessary, heated and lighted for the accommodation of passengers, and to be present on the arrival and departure of trains; such duties to be the same as those of a regular station agent, excepting the billing of freight and handling the telegraph system.

F. B. CARVELL, Chief Commissioner.

Ottawa, January 5, 1922.

#### GENERAL ORDER No. 356

In the matter of the General Order of the Board No. 102, dated February 17, 1913, prescribing Rules and Regulations Respecting Safety Appliances on trains of railway companies subject to the jurisdiction of the Board.

File No. 11654.26

Upon reading the submissions filed on behalf of the Order of Railway Conductors of America, the Brotherhood of Railroad Trainmen, the Railway Association of Canada, and the Michigan Central and the Wabash Railroad Companies; and upon the report and recommendation of the Mechanical Expert of the Board, concurred in by its Chief Operating Officer,

The Board Orders: That the provision covering caboose platform-steps, under the heading, "Caboose Cars with Platform," in the said General Order No. 102, dated February 17, 1913, be struck out and the following inserted in lieu thereof,

namely:-

"Caboose Platform-Steps:

"Safe and suitable open, or box, steps leading to caboose platforms to

be provided at each corner of caboose.

"Where open steps are used, the bottom tread of said steps to be provided with a right and left foot-stop at each end of tread, made of angle iron  $3\frac{1}{2} \times 2\frac{1}{2} \times \frac{1}{4}$  inch; the  $2\frac{1}{2}$  inch face of angle iron to be bolted to the step".

F. B. CARVELL, Chief Commissioner.

OTTAWA, January 12, 1922.

## GENERAL ORDER No. 357

In the matter of the application of the Canadian National Millers' Association and the Dominion Millers' Association for an order suspending the tariffs or supplements to the tariffs filed with the Board in pursuance of its General Order No. 354, dated January 4, 1922, increasing the rates for out-of-line haul on Western grain milled in Eastern Canada.

File No. 8641.12.

Upon reading the application and what was alleged in support thereof,—
The Board Orders: That the tariffs or supplements to tariffs filed by the railway companies in accordance with the requirements of the said General Order No. 354, dated January 4, 1922, in so far as such tariffs or supplements to tariffs increase the charge for out-of-line haul on western grain moving all rail or lake and rail to milling points in Eastern Canada, be, and the same are hereby, suspended from their effective dates, with leave to the said railway companies to apply to the Board for an adjustment of rate, if necessary.

Ottawa, February 14, 1922.

F. B. CARVELL, Chief Commissioner.

## GENERAL ORDER No. 358

In the matter of applications to the Board in respect to railway crossings of highways in the Provinces of Manitoba, Saskatchewan, Alberta, and British Columbia.

File No. 24420.1

In pursuance of the powers conferred upon the Board by sections 34 and 256 of the Railway Act, 1919, and of all other powers possessed by it in that behalf,—

The Board Orders: That all railway companies within the legislative authority of the Parliament of Canada, constructing or operating railways in the provinces of Manitoba, Saskatchewan, Alberta, and British Columbia, do, in addition to any notice required to be served upon the local municipality, or other persons concerned, serve copies of notices of all applications to the Board with respect to railway crossings of highways in the said provinces, and outside the limits of incorporated cities or towns therein, upon the following representatives of the Governments of the said provinces, respectively, namely:—

- (1) In the Province of Manitoba, upon the Minister of Public Works.
- (2) In the Province of Saskatchewan, upon the Minister of Highways.(3) In the Province of Alberta, upon the Minister of Public Works.
- (4) In the Province of British Columbia, upon the Minister of Public Works.

And shall furnish the Board with evidence of service of such notice before any such application shall be disposed of by the Board.

F. B. CARVELL, Chief Commissioner.

OTTAWA, February 22, 1922.

#### GENERAL ORDER No. 359

In the matter of the General Order of the Board No. 355, dated January 5, 1922, defining the duties of a "caretaker agent."

File No. 4205.7

The Board Orders: That the said General Order No. 355, dated January 5, 1922, be, and it is hereby, rescinded.

F. B. CARVELL, Chief Commissioner.

Оттаwa, March 2, 1922.

## GENERAL ORDER No. 360

In the matter of the application of D. Robertson & Company, Limited, of Milton, Ontario, and the Standard White Lime Company, Limited, of Guelph, Ontario, hereinafter called the "Applicants", for an order requiring railway companies to supply temporary doors for shipments of lime, in carloads, or to make an allowance when the same are furnished by shippers.

File No. 4106.36

Upon hearing the matter at the sittings of the Board held in Toronto, January 5, 1922, the applicants, the Christie, Henderson Company, Limited, and the Grand Trunk and Canadian Pacific Railway Companies being represented at the hearing, and what was alleged; and upon reading the further submissions filed,—

The Board Orders: That railway companies subject to the jurisdiction of the Parliament of Canada be, and they are hereby, required, not later than March 16, 1922, to amend their tariffs so as to provide for the allowance, at points east of Fort William, of fifty cents per car door of not less than twenty-one square feet, when furnished by shippers of lime, in bulk.

S. J. McLEAN, Assistant Chief Commissioner.

Оттаwа, March 6, 1922.

## GENERAL ORDER No. 361

In the matter of section 285 of the Railway Act, 1919; the General Order of the Board No. 244, dated July 26, 1918, as amended by General Order No. 251, dated October 4, 1918; Circular No. 110, dated April 3, 1913, and Supplements thereto Nos. 1 and 2, dated respectively April 30. 1918; and June 6, 1918; Circular No. 131, dated March 11, 1914; and Circular No. 161, dated March 8, 1918.

File No. 45

The Board Orders as follows:

1. That every railway company subject to the legislative authority of the Parliament of Canada be, and it is hereby, required and directed, within six days after the head officers of the company have received information of the occurrence upon the railway belonging to it, or operated by it, of any accident attendant with personal injury to any person using the railway, or to any employee of the company, or whereby any bridge, culvert, viaduct or tunnel on or of the railway has been broken or so damaged as to be impassable or unfit for immediate use, to give notice thereof to the Board, such notice to be addressed to the Chief

Operating Officer of the Board, and to be printed on hard paper in the forms "A" (relating to highway crossing accidents only) and "B" (relating to accidents other than those occurring at highway crossings), schedules to this order; such reports to refer to such accidents as above specified as occur as a result of transportation, that is to say, where movements of trains, engines, or cars are involved therein, and not to accidents occurring in railway shops, or manufacturing establishments, or other places on the railway, unless caused directly or indirectly by train, engine, or car movements.

2. That in the case of-

(a) derailments, collisions, failure of locomotive boiler, highway crossing accidents, when the same are attended with personal injury to any person

using the railway, or to any employee of the company;

(b) all other accidents occurring on the railway, attended with personal injury to any person using the railway, or to any employee of the company, and in which accidents the movement of trains, engines, or cars is involved (but not in the case of accidents occurring in railway shops, manufacturing establishments, or other places of the railway company in which the movement of trains, engines, or cars is not involved in the accident); and

(c) any damage caused by any such accident to any bridge, culvert, viaduct, or tunnel on the railway, rendering the same impassable or unfit for immediate use (and whether attended by personal injury to any

person or employee of the company or not)-

the conductor or other employee of the railway company who is in charge of the train, place, or structure in connection with which the accident occurred, shall, at the expense of the company, and at the same time as he reports to the company, send a telegram, addressed to the Chief Operating Officer of the Board at Ottawa, containing the following information:-

(a) Date and place. (b) Name of railway.

(c) Number and description of train or trains, engine or engines, concerned.

(d) Number of passengers, employees, or others killed and injured.

(e) Statement of any damage to any bridge, culvert, viaduct, or tunnel. (f) A short and concise statement of the apparent cause of the accident.

(g) Name and title of person sending report.

3. That where any such company grants, or has granted, running rights, or the joint use of its line, or any portion thereof, to another company, and the last named company is concerned in an accident occurring on said joint section required under this Order to be reported, the operating company shall report to the Board as herein provided.

4. That every such railway company place before its conductors or other employees affected by this order a copy of paragraph 2 of the order, directing the said conductors or other employees to comply directly with its requirements.

5. That all reports, whether written or telegraphed, made pursuant to this

order, be privileged from production.

6. That the said General Order No. 39, Circular No. 110 with Supplements Nos. 1 and 2, Circular No. 131, and Circular No. 161, and General Orders Nos. 244 and 251 be, and they are hereby, rescinded.

> F. B. CARVELL, Chief Commissioner.

OTTAWA, March 15, 1922.

SCHEDULE	" A "
	192
Railway	· · · · · · · · · · · · · · · · · · ·
Report to the Board of Railway Comm	nissioners for Canada as required by
Section 285 of the Railway Act a No. 3	
1. Date and hour of accident	
	Conductor
2. Train	Engineer Engine
3. Province	
4. Place of accident. State if in city, town, village, or township. If in city, town or village give name of street; if no name, say how many crossings from station specifying direction. If in township, give distance in miles and fraction of mile from nearest station, specifying direction, also give distance of nearest mile post of sub-division and any other information of an identifying character.	
5. (a) Particulars of accident. (b) Name of persons injured or killed and addresses.	
6. Was crossing protected at time of accident and if so in what manner?	
7. Time and date, speed limitation of ten miles an hour established or watchman put on as required by section 309 (clause "c") and General Order No. 77.	
8. If any previous accident at same place subsequent to 1900, give date, if more than one accident give date of last one only.	
9. Remarks covering any other information that the Company thinks should be submitted not covered by the foregoing details.	
I certify that from inquiries made by me, or my	Signature
N.B.—Use only one form for each accident, atta-	ching plain extension sheets if insufficient space here.

SCHEDUI	E " B "
Report to the Board of Railway Com	missioners for Canada as required by
Section 285 of the Railway Act of No.	and General Order of the Board
1. Date.	
2. Hour.	
3. Train	Conductor
	Engineer
4. Place Province.	
5. Name of person injured.	
6. Age.	
7. Passenger, employee or others	
8. Residence.	
9. Description of injury.	
10. How accident occurred.	
NOTE.—If injury or damage be to a bridge, culvert, viaduct or tunnel, answer numbers 1, 2, 4, 9 and 10.	
	hing plain extension sheets if insufficient space here Signature Title

## GENERAL ORDER No. 362

In the matter of the General Order of the Board No. 107, dated July 4, 1913, prescribing regulations to be adopted by railway companies for the prevention of fires.

File No. 4741-A

Upon reading the submissions filed by the Railway Association of Canada, on behalf of the railway companies interested; and upon the report and recommendation of the Chief Operating Officer and the Chief Fire Inspector of the Board,—

The Board orders as follows:-

1. That Orders Nos. 3245, dated July 4, 1907; 3465, dated August 14, 1907; 8903, dated December 15, 1909; 15995, dated February 16, 1912; 16570, dated May 22, 1912; and General Order No. 107, dated July 4, 1913, be, and they are hereby, rescinded.

2. Unless exempted by special order of the Board every railway company subject to the legislative authority of the Parliament of Canada, the railway of which is under construction, or being operated by steam, shall cause all locomotives and other portable boilers, other than those using oil as fuel, used on the railway, to be fitted and kept fitted in good order with practical and efficient devices for arresting the escape of sparks or live coals, as hereinafter set forth:—

(a) Every locomotive boiler equipped with an extension smokebox shall have installed therein, so as to extend completely over the aperture through

which the smoke ascends, a double-crimpled wire netting, the mesh of which shail not be larger than  $2\frac{1}{2}$  by  $2\frac{1}{2}$  per inch of No. 10 Birmingham wire gauge; the openings of said mesh not to exceed a quarter of an inch and one sixty-fourth (that is seventeen sixty-fourths) of an inch square when new. The condemning limit of the said netting shall be nineteen sixty-fourths of an inch.

Experimental or improved devices which are not in full accord with this clause shall be tried only on receipt of permission from the Chief Operating

Officer of the Board.

(b) Every locomotive equipped with a diamond stack shall be fitted with a cast iron deflecting cone and double-crimped wire netting with a mesh not more than 3 by 3 per inch of No. 10 Birmingham Wire Gauge, placed in the flare of the diamond of the stack, so as to cover the same completely; the openings of the said mesh not to exceed three-sixteenths and one sixty-fourth (that is thirteen sixty-fourths) of an inch square when new. The condemning limit of the said netting shall be fifteen sixty-fourths of an inch.

(c) All steam shovels, ditching machines, and pile drivers, having exhaust in stack and burning coal, shall be equipped with a wire netting in the front end, in accordance with the standard prescribed in subsection (a), or with a bonnet screen or double-crimped wire netting mesh device on the top of the smoke stack, as may be most practicable. All openings between the bonnet netting and stack must be fitted so as to leave no opening larger than the mesh of the netting. The condemning limit of the said netting shall be the same as subsection (a).

- 3. Manhole, and door openings of superheater type next to the tube sheet, shall be securely closed and held in place by cotters or keys, so constructed that they cannot fall out. All dead plates and nettings shall be securely fastened to the smokebox shell by angle irons of sufficient width to hold the same in position. In no case must there be an opening in the dead plates where fitted around steam pipes or superheater doors, or any joints, in excess of one-eighth of an inch in width. Cement or asbestos must not be used to fill openings in the fitting or fire-protective appliances.
- 4. (a) The openings of ashpans of locomotives with narrow fireboxes shall be covered with metal dampers.

(b) Ashpan slides and doors of locomotives, when closed, shall be secured in that position by a heavy spring or by any other positive method.

(c) Locomotive ashpan draft ports or openings shall be protected by solid deflecting plates, netting, or perforated plates, so placed as to protect the open-

ing. Where netting is used, it shall be protected by deflecting plates.

(d) On locomotives where rods pass through the ashpan, the opening for operation shall be no larger than is actually necessary, and shall be protected wherever practicable by deflecting aprons or hoods, so placed as to prevent the escape of ashes and fire. Damper rods from the cab shall be disconnected between the first day of April and the first day of November each year, or during the additional period, if any, as provided in subsection (f).

(e) Overflow pipes from injectors, or a separate pipe from boiler, or water pipes from injector delivery pipe, shall be fitted into the ashpans with the necessary valve and other fixtures to supply water to all hoppers of the ashpan

at the same time.

(f) Sufficient water to dampen ashes and extinguish fire falling from the grates must be supplied from April 1 to November 1 each year, or during such additional period as may be required in any particular territory by the Chief Operating Officer of the Board.

- 5. That every railway company provide adequate inspection at terminal or divisional points where its locomotive engines, steam shovels, ditching machines, and pile drivers are housed and repaired, and at other points where necessary, and cause—
  - (a) An examination to be made, at least once a week, of-
    - 1. The netting;
    - 2. Dead plates;
    - 3. Ashpans;
    - 4. Dampers;
    - 5. Slides and doors:
    - 6. Any other fire-protective appliances;
- (b) And a record to be kept of every inspection in a book to be furnished by the railway company for the purpose, showing—
  - 1. The numbers of engines, steam shovels, ditching machines, and pile drivers inspected;

2. The date and hour of day of such inspection;

3. The condition of the said fire-protective appliances and arrangements; and

4. A record of repairs made in any of the above mentioned fire-protective appliances. The said book to be open for inspection by any authorized officer of the Board.

(c) In case any of the said fire-protective appliances are found to be defective, the said equipment shall be removed from service, and shall not (during the said prescribed period) be returned to service unless and until such defects are remedied.

(d) Every railway company shall make an independent examination of the fire-protective appliances on all locomotives, steam shovels, ditching machines and pile drivers of such company, at least once each month, and the conditions of such fire-protective appliances shall be reported direct to the Chief Mechanical Officer of the railway company, or other chief officer held responsible for the condition of the motive power of the said company.

6. That no employees of any such railway company—

(a) do, or in any way cause, damage to the netting or other fire-protective

appliances on any locomotive or other boiler in service;

(b) open the back dampers of any locomotive while running ahead, or the front dampers while running tender first, except when there is snow on the ground and it is necessary to take such action in order to have the engine steam properly.

7. That no such railway company permit fire, live coals, or ashes to be deposited on its tracks or right of way, unless they are extinguished immediately

thereafter, except in pits provided for the purpose.

8. That, unless otherwise ordered, no such railway company, between April 1 and November 1, burn as fuel on its locomotives, steam shovels, ditching machines, and pile drivers, any coal not possessing good coking properties, the use of which with standard front-end fire-protective appliances prescribed by clause 2, results in the emission of sparks from the stack to an extent deemed by the Board to be dangerous to the public interest, unless such equipment is provided with special fire-protective appliances approved by the Board. Whether any particular coal possesses good coking properties shall be determined by certificate from the Mines Branch, Department of Mines, Ottawa.

9. That railway companies take all reasonable precautions to eliminate the danger of fires being set along railway lines by passengers and employees throwing burning smoking materials from trains. The measures to be taken shall include the posting of warning notices in cars or compartments of cars in which smoking is permitted, and the issuance at suitable intervals during the fire season of verbal warnings to passengers in such cars or compartments, including observation platforms and open observation cars. The territory within which they shall be effective shall be determined by the Chief Fire Inspector.

10. That every such railway company establish and maintain fireguards along the route of its railway as the Chief Fire Inspector may prescribe. The nature, extent, establishment, and maintenance of such fireguards shall be deter-

mined as follows:-

(a) The Chief Fire Inspector shall each year prepare and submit to every such railway company a statement of the measures necessary for establishing and maintaining the routes of such railways in a condition safe from fire, so far

as may be practicable.

(b) Said measures may provide for the cutting and disposal by fire or otherwise of all or any growth of an inflammable character, and the burning or other disposal of debris and litter, on a strip of sufficient width on one or both sides of the track; the ploughing or digging of land in strips of sufficient width on one or both sides of the track; and such other work as may, under the existing local conditions and at reasonable expense, tend to reduce to a minimum the occurrence and spread of fire.

(c) Said statements of the Chief Fire Inspector shall be so arranged as to deal with and prescribe measures for each separate portion of such railway upon and adjacent to which the fire risk calls for specific treatment. The intention shall be to adjust the protective measures to the local conditions, and

to make the expense proportionate to the fire risk and possible damage.

(d) Said statements of the Chief Fire Inspector shall prescribe dates on or within which the foregoing protective measures shall be commenced and completed, and the fireguards maintained in a clean and safe condition.

(e) No such railway company shall permit its employees, agents, or contractors to enter upon land under cultivation to construct or maintain fireguards,

without the consent of the owner or occupant of such land.

(f) Wherever the owner or occupant of such land objects to the construction or maintenance of fireguards, on the ground that the said construction or maintenance would involve unreasonable loss or damage to property, the company shall at once refer the matter to the Board, giving full particulars thereof, and shall in the meantime refrain from proceeding with the work.

(g) No such railway company shall permit its agents, employees, or contractors to leave gates open or to cut or leave fences down whereby stock or crops may be injured, or to do any other unnecessary damage to property in the

construction or maintenance of fireguards.

11. That in carrying out the provisions of section 280 of the Railway Act. 1919, which enacts that "the company shall at all times maintain and keep its right of way free from dead or dry grass, weeds, and other unnecessary combustible matter," no such railway company, or its agents, or contractors, between the first day of April and the first day of November, burn or cause to be burned any ties, cuttings, debris, or litter upon or near its right of way, except under such supervision as will prevent such fires from spreading beyond the strip being cleared. The Chief Fire Inspector or other authorized officer of the Board may require that no such burning be done along specified portions of the line of any such railway, except with the written permission or under the direction of the Chief Fire Inspector or other authorized officer of the Board.

12. That the railway company provide and maintain a force of fire rangers fit and sufficient for efficient patrol and fire-fighting duty during the period from the first day of April to the first day of November of each year; and the methods of such force shall be subject to the supervision and direction of the Chief Fire Inspector or other authorized officer of the Board.

13. That the Chief Fire Inspector each year prepare and submit to each and every railway company a statement of the measures such railway companies shall take for the establishment and maintenance of said specially organ-

ized force. Said statements, among other matters, may provide for:—

(a) The number of men to be employed on the said force, their location

and general duties, and the methods and frequency of the patrol;

(b) The acquisition and location of necessary equipment for transporting the said force from place to place, and the acquisition and distributing of suitable fire-fighting tools; and

(c) Any other measures which are considered by him to be essential for

the immediate control of fire and may be adopted at reasonable expense.

14. That every such railway company instruct and require its sectionmen and other employees, agents, and contractors to take measures to report and

extinguish fires on or near the right of way as follows:—

(a) Conductors, engineers, or trainmen who discover or receive notice of the existence and location of a fire burning upon or near the right of way, or of a fire which threatens land adjacent to the right of way, shall report the same by wire to the Superintendent, and shall also report it to the agent or persons in charge at the next point at which there shall be communication by telegraph or telephone, and to the first section employees passed. Notice of such fire shall also be given immediately by a system of warning whistles, or by such other method as may be approved by the Board.

(b) It shall be the duty of the Superintendent, or agent, or person so informed to notify immediately the nearest forest officer and the nearest section

employees of the railway, of the existence and location of such fire.

(c) When fire is discovered, presumably started by the railway, such sectionmen or other employees of the railway as are available shall, either independently or at the request of any authorized forest officer, proceed to the fire immediately and take action to extinguish it: Provided such sectionmen or other employees are not at the time engaged in labours immediately necessary to the

safety of trains.

(d) In case the sectionmen or other employees available are not a sufficient force to extinguish the fire promptly, the railway company shall, either independently or at the request of any authorized forest officer, employ such other labourers as may be necessary to extinguish the fire; and as soon as a sufficient number of men, other than the sectionmen and regular employees, is obtained, the sectionmen and other regular employees shall be allowed to resume their regular duties.

(e) The provisions of this section shall apply to all fires occurring within 300 feet of the railway track, unless proof shall be furnished that such fires

were not caused by the railway.

15. That every such railway company give particular instructions to its employees in relation to the foregoing regulations and cause such instructions to be posted at all stations, terminals, and section houses along its lines of railway. In case said instructions are not also carried in employees' time tables during said prescribed period, or in "operating" and "maintenance of way" rule books, they shall, previous to April 1st of each year, be reissued to all employees concerned, in the form of special instructions. The Chief Operating Officer or the Chief Fire Inspector, as the case may be, may waive the above

requirements in whole or in part as to lines or portions of lines where, in his

judgment, the fire danger is not material.

16. That every such railway company allowing or permitting the violation of, or in any respect contravening or failing to obey any of the foregoing regulations, be subject, in addition to any other liability which the said company may have incurred, to a penalty of one hundred dollars for every such offence.

17. That if any employee or other person included in the said regulations, fails or neglects to obey the same, or any of them, he shall, in addition to any other liability which he may have incurred, be subject to a penalty of twenty-

five dollars for every such offence.

18. That the Board may, upon the application of any railway company or other party interested, vary or rescind any order or direction of the Chief Fire Inspector, made pursuant to the provisions of this Order.

F. B. CARVELL, Chief Commissioner

OTTAWA, April 19, 1922.

#### GENERAL ORDER No. 363

In the matter of the application of the Canadian Freight Association, on behalf of the railway companies subject to the jurisdiction of the Board, under section 322 of the Railway Act, 1919, for approval of a proposed Supplement No. 19 to the Canadian Freight Classification No. 16, containing certain increased, reduced, and additional ratings, on file with the Board under file No. 19367.132:

Whereas notice has been given by the railway companies in the Canada Gazette, as required by section 322 of the Railway Act, 1919, and to the mercantile organizations enumerated in the General Order of the Board No. 153, dated November 4, 1915, the proposed changes having been considered at a conference of the representatives of the Grand Trunk and Canadian Pacific Railway Companies, the Canadian National Railways, the Canadian Manufacturers' Association, and the Montreal and Toronto Boards of Trade, held at Montreal on the 28th day of March. 1922, when various objections filed with the Board were considered, and the proposed changes agreed to, modified, or climinated; and upon the consideration of what has been filed, and the report and recommendation of the Assistant Chief Traffic Officer of the Board,—

The Board orders: That the proposed Supplement No. 19 to the Canadian Freight Classification No. 16, as finally revised and submitted for approval by G. C. Ransom, chairman of the Canadian Freight Association, by his letter dated April 13, 1922, and as amended by his letter dated May 1, 1922, be, and it is hereby, approved.

F. B. CARVELL,

Chief Commissioner

Оттаwa, May 10, 1922.

## GENERAL ORDER No. 364

In the matter of the application of the Canada Cement Company, Limited, for rates on agricultural limestone from Belleville, Ontario, on the same basis as those in effect from Beachville and Kirkfield, Ontario:

File No. 26786.6

Upon hearing the application at the sittings of the Board held in Ottawa, May 18, 1920, the applicant company, the Canadian Freight Association, the Grand Trunk and Canadian Pacific Railway Companies, and the Canadian National Railways being represented at the hearing, and what was alleged; and upon reading the further submissions filed, and the report of its Assistant Chief Traffic Officer,—

The Board orders: That all railway companies subject to the jurisdiction of the Board file tariffs, to become effective not later than June 15, 1922, showing the following mileage scale, to apply on agricultural limestone or stone dust east of Port Arthur, Fort William, and Armstrong, in lieu of the specific commodity

rates or mileage scale now in effect, namely:-

7.54		Rates in cents
Miles		per 100 pounds
Not over 10		5
Over 10 not over	20	$5\frac{1}{2}$
Over 20 not over	30	6
Over 30 not over	40	$6\frac{1}{2}$
Over 40 not over	50	7
Over 50 not over	60	75
Over 60 not over	70	8
Over 70 not over	80	81/2
Over 80 not over	90	. 9
Over 90 not over	100	$9\frac{1}{2}$

Over 100 miles to 300 miles, the rates to be increased one-half cent per 100 pounds for each group of 25 miles. Over 300 miles, the rates to be increased one cent per 100 pounds for each group of 50 miles.

F. B. CARVELL, Chief Commissioner.

OTTAWA, May 23, 1922.

## GENERAL ORDER No. 365

In the matter of Section 345 of the Railway Act, 1919, and the regulations approved thereunder by General Order of the Board No. 290, dated April 12, 1920.

File No. 496.38

Whereas the said section 345 provides, inter alia, for the making of periodical returns, duly verified by affidavit, to the Board in respect of the carriage of traffic at free or reduced rates under the Act, issued by companies within the legislative authority of the Parliament of Canada; and that it shall be the duty of the Board to examine such returns with a view to seeing that the law has been observed;

And whereas, for the year 1920 alone, the Board agreed that it would not, during the transitional period involved, require details of persons to whom the railway companies issued transportation in the classes of the railways known as officers, agents, or former employees, officers, agents, or employees of other railway or transportation companies, and the Governor General's staff; but that

as to all other classes of persons, the railway companies must give the individual names, with such description as to place the Board in a position to investigate them, if necessary:

And whereas certain of the railway companies, subject as aforesaid to the jurisdiction of the Board, have failed to make the returns so required by the

Act-

The Board therefore orders as follows:-

1. (a) That all railway companies in default in filing details of returns as provided by the Act. for 1920, not excepted by the Board as above set forth, be, and they are hereby, required to file such details not later than the first day of October, 1922.

(b) That all railway companies file, not later than October 1, 1922, com-

plete returns called for by the Act, for 1921.

(c) For the year 1922, the filing to be as follows, for the periods set out: The return for the period January to June, 1922, is to be filed by October 1, 1922; for July to September is to be filed by November 1, 1922; and October to December 31 is to be filed by February 1, 1923.

(d) For the year 1923, the filings are to be: January to March, 1923, by May 1, 1923; April to June, by August 1, 1923; July to September, by November

1, 1923; and October to December 31, by February 1, 1924.

2. That the returns thereafter be made quarterly on the same monthly

dates as directed in paragraph (d) of section 1 of this order.

3. That all railway companies failing to comply with the requirements of this order be, and they are hereby, made subject to a penalty of \$100 a day for every day in which a railway company shall be in default in filing such return in accordance with this order.

4. That all railway companies in default in filing returns in respect of which the specific date is set out in the regulations as approved by the said General Order No. 290, for the year 1922, be, and they are hereby, required to file the same not later than October 1, 1922, and thereafter on or before the 1st day of January for each succeeding year.

5. Every such railway company shall be subject to a penalty of \$100 a

day for each violation of the said regulations.

F. B. CARVELL, Chief Commissioner.

Ottawa, June 26, 1922.

## GENERAL ORDER No. 366

In the matter of the freight tolls, 1922.

File Nos. 30531, 30685, 30686, and 30686.2

Upon hearing the matter at the sittings of the Board held in Vancouver, April 7 and October 17, 18, 19, and 20; Victoria, April 11; Kamloops, October 26; Nelson, April 15 and October 29; Calgary, April 18 and October 31; Edmonton. April 20 and November 2; Saskatoon, April 21 and November 3; Regina, April 22 and November 4; Brandon, April 23; and Winnipeg, April 25 and November 8; respectively, 1921; and in Halifax, January 17; St. John, January 19, and Ottawa, February 15, 16, 17, 20, 21, and 22, and March 13 to 30, respectively, 1922, in the presence of counsel for and representatives of the provinces of Nova Scotia, New Brunswick, Manitoba, Saskatchewan, and British Columbia, the Maritime Board of Trade, the Boards of Trade of Halifax,

Montreal, Toronto, Sault Ste. Maric, Winnipeg, Calgary, Nelson, Lethbridge, Edmonton, the Canadian Manufacturers' Association, the Railway Association of Canada, Canadian Lumbermen's Association, Limited, Canadian Retail Coal Dealers' Association, Dominion Millers' Association, United Farmers of Manitoba, United Farmers of Alberta, United Grain Growers, Saskatchewan Grain Growers' Association, Wholesalers' Association of Calgary, Western Canada Live Stock Union, Canadian Aberdeen Angus Association, Amherst Foundry, J. W. Cunningham Company, Stetson Cutler and Company, Saskatchewan Cooperative Elevator Company, W. Malcolm McKay, Limited, Northern Foundry and Machine Company, the Canadian Pacific and Grand Trunk Railway Companies, and the Canadian National Railways, and what was alleged at the hearings, judgment, dated June 30, 1922, was delivered by the Board, a certified copy of the said judgment being attached hereto marked "A",—

The Board Orders: That all railway companies operating steam railways, subject to the jurisdiction of the Board, be, and they are hereby, required forthwith to file tariffs giving effect to the rates prescribed and authorized by the said judgment, which is hereby made part of this order; the effective date of

the said rates to be August 1, 1922.

F. B. CARVELL, Chief Commissioner.

Оттаwa, June 30, 1922.

## Re Freight Tolls, 1922

Files Nos. 30531, 30685, 30686, and 30686.2

BY THE BOARD:

Shortly after the promulgation of General Order No. 308 of this Board, being the order providing for the general rate increases known as the Thirty-five and Forty Per Cent Case, effective September 13, 1920, various bodies, among them the province of Manitoba, appealed to the Privy Council asking that the said order be rescinded for various reasons set forth by the appellants. The matter was heard by the Privy Council, and, on the 6th day of October, 1920, by P.C. No. 2434, His Excellency in Council dismissed the appeal, but, in doing so, stated as follows:—

"What constitutes a fair and reasonable rate should now be arrived at without reference to the requirements of the Canadian National System and your committee recommends that the order in this case be referred back to the Board to be corrected in its findings in such manner as to determine what are fair and reasonable rates without taking into account at all for the time the order shall be in effect, the requirements of the

Canadian National System.

"Very strong representations were made at the argument on appeal to the effect that the order continued and indeed intensified an unjust discrimination in rates, it being claimed that higher freight rates prevail generally in Western Canada, that is west of Fort William, then prevail in Eastern Canada, that is east of Fort William. It was strongly urged that the reasons, whatever they may have been, for this differential no longer exist, and that as a matter of public policy the principle of equalization of rates East and West should now be recognized. On the other hand, it was urged that the competition arising out of lake and river transportation as well as out of lower competitive rates on Eastern United States lines compelled a somewhat lower scale in Eastern Canada than in Western Canada. Whether or not these reasons now

obtain in any substantial degree is a question which requires minute and expert investigation such as can be best conducted by the Railway Commission itself and not by Your Excellency's advisers, but the committee is strongly impressed with the very great desirability of bringing about with the least possible delay equalization of Eastern and Western rates.

"The Committee of the Privy Council therefore further recommend that as conditions have probably changed materially in recent years tending more and more to make equalization practicable, an inquiry by the Board be directed to be held at the earliest date with a view to the establishment of rates meeting to the utmost extent possible the above requirement as to equalization."

The Board thereupon started an investigation, primarily to ascertain whether or not conditions had changed as suggested by the Order in Council and as to whether the difference in rates, if any, thus existing in a general way between Eastern Canada and Western Canada amounted to undue discrimination against Western Canada.

The first sittings was held at Ottawa on the 22nd day of November, 1920, when it was arranged that the Board would hold sittings in Western Canada in the early spring, and, in pursuance thereof, sittings were held in all the principal cities of Western Canada in the month of April, 1921, again in the months of October and November, 1921, and the final argument took place in Ottawa in the months of February and March last.

Very shortly after arrangements were made for such hearings, application was made by representatives of the provinces of New Brunswick, Nova Scotia, and Prince Edward Island alleging that they were unfairly treated in that the arbitraries over Montreal, which they had enjoyed for many years prior to 1916, had been either abolished or materially increased, and asked that the

old arbitraries be re-established.

Then the province of British Columbia applied for the elimination of the Mountain scale of rates as applied to that Province, asking that the Prairie scale be extended through to the Pacific coast.

At a later date, application was made by the Lumber Association of Canada and allied interests for a general reduction in the rates upon lumber com-

There have also been applications before the Board by the Board of Trade of the city of Sault Ste. Marie and other business interests thereof for the extension of schedule A rates from Sudbury to Sault Ste. Marie, and, finally, an application by the Commercial Travellers' Association of Canada alleging that the 20 per cent increase upon excess baggage provided for by General Order No. 308 should have been eliminated when passenger rates went back to normal on the 1st day of July, 1921, claiming that the excess baggage rate is based upon passenger rates and, therefore, when the passenger rates were reduced, the same principle should be applied to excess baggage.

In addition to this, we have had scores of applications from individuals, corporations, and municipalities asking for a reduction of rates either generally

or upon the traffic in which they were respectively interested.

No reference is made herein to the application of the fruit growers of Nova Scotia and the potato growers of the Maritime Provinces for a reduction in the export rate on their commodities, as these rates were increased, not by General Order No. 308, but by General Order No. 303, effective August 26, 1920, and we understand the railway companies have already filed tariffs, effective July I, reducing these rates by 10 per cent in accordance with the like reductions in the United States under the recent General Order of the Interstate Commerce Commission.

By the terms of General Order No. 308, all increases therein provided for cease to exist on the 1st day of July, 1922, because of the fact that the amendment to section 325 of the Railway Act, 1919, which had the effect of postponing the coming into effect of the Crowsnest pass legislation for three years, expires on the 6th day of July next. Shortly after Parliament opened in March last, the question of the further extension of the coming into operation of the Crowsnest pass legislation was referred to a Special Committee of the House, which has reported, and legislation based thereon has been enacted, being Bill No. 206, which, in effect, provides for the suspension of the operation of the Crowsnest pass legislation for a further period of one year upon all rates and schedules mentioned therein with the exception of grain and flour, the rates upon which latter products on and after the 6th day of July, 1922, shall be those provided for in the original legislation, being Chapter 5 of the Statutes of 1897, and also providing that His Excellency the Governor General in Council may extend the provisions of the said Act for an additional term of one year, if, in their judgment, it is considered advisable to do so.

## COMPARISON OF CANADIAN AND UNITED STATES FREIGHT RATES

It is considered advisable at this stage to give a comparison of the general rate structures of Canada at present as compared with the rate structures of the United States as they will be on and after the 1st day of July next, because, on account of the great similarity between railway operations and business conditions in the two countries as well as the very large volume of international traffic, it is well to know as nearly as possible the exact relationships of the rate structures of both countries.

Two or three years ago, and before the general increase in rates in the United States authorized by the Interstate Commerce Commission under Ex Parte 74, effective August 26, 1920, a careful comparison was made between the general level of freight rates in Canada and the United States which showed, having regard to all the controlling conditions, that the general level was slightly

in favour of the Canadian shipper.

Freight rates in Canada were not increased during the first four years of the war, but in 1918 and 1920 it was necessary, not only in Canada, but in other countries as well, to materially increase freight rates, so as to enable the privately-owned railways, but not in full measure, to meet their advancing operating costs which had increased by leaps and bounds and in a manner entirely without precedent or parallel. The wage increases in 1918 and 1920, coupled with the increased cost of coal and other materials and supplies, resulted in such increases in railway operating costs that a substantial increase in freight rates was inevitable.

Notwithstanding that the employees of the Canadian railways were granted increases in wages equal to those in the United States and that increased costs and war conditions bore even more heavily upon railway conditions in Canada than in the United States, the increase in rates as authorized by this Board did not bear as heavily on the Canadian public as the increase authorized in the United States by the Interstate Commerce Commission, as will be clearly

evidenced by the following.

These general increases, commonly known as the forty per cent increases, although in fact they averaged appreciably under that figure, became effective in the United States on the 26th day of August, 1920, and in Canada on the 13th day of September, 1920. There has been no general decrease in freight rates authorized in the United States since August 26, 1920, although there will be a general decrease of 10 per cent effective July 1, 1922. On the other hand, the increased rates effective September 13, 1920, in Canada, were subject to a

general decrease of 5 per cent January 1, 1921, and a further general decrease of 10 per cent December 1, 1921. The situation is illustrated below, taking in each case for simplicity of illustration, a rate of \$1 per 100 pounds:—

#### CANADA

	Rate p to Sept. 13		Effecti Sept. 13, Rate increased	1920.	Rat	1921. e	Effective Dec. 1, 1921. Rate decreased to		
	\$	cts.	\$	cts.	\$	cts.	\$	cts.	
East West		1 00 1 00		1 35		1 35 1 30		1 25 1 20	

#### INTERTERRITORIAL TRAFFIC

Percentage of increase in rates within territories east and west of Port Arthur applied to the east and west factors thereof respectively.

#### UNITED STATES

	Rate prior to Aug. 26, 192	Effective Aug. 26, 1920. Rate increased to	Effective July 1, 1922. Rate decreased to
	\$ c1	s. \$ cts.	\$ cts
Eastern Group. Western Group. Southern and Mountain Pacific Groups. Inter-territorial Traffic.	1 0	0 1 35 0 1 25	$ \begin{array}{cccccccccccccccccccccccccccccccccccc$

Further, under this Board's General Order 308, September 9, 1920, the rail-ways were prohibited from increasing rates on—

Crushed stone, sand, and gravel.

Minimum class rate scale.

Minimum charge per shipment.

Switching, interswitching, milling-in-transit, diversion, reconsignment, stop-overs, demurrage, weighing, etc.

The increase allowed in rates on cordwood, slabs, edgings and mill refuse for use as fuel was limited to 10 per cent.

The increase in coal rates was limited as follows:—

In rates 0 to 80 cents per ton, 10 cents.

In rates 80 to 150 cents per ton, 15 cents.

In rates over 150 cents per ton, 20 cents.

In the United States, under Ex Parte 74, July 29, 1920, there was no similar limitation with respect to rates on crushed stone, sand, gravel, and coal, and they were subject to the same percentage increases as authorized for other traffic; further, the percentage increase applicable in the group where service is performed was made in the charges for switching, transit arrangements, weighing, diversion, reconsignment, lighterage, floatage, storage (not including track storage), and transfer, while no increases for these services were allowed in Canada.

The coal traffic is, of course, a very large and important movement, and the following illustrations show what the limitation in Canada meant as compared with the percentage increase in the United States. The increases allowed were:—

In Canada	In United States effective Aug. 26, 1920								
Effective Sept. 13, 1920	East- ern Group	West- ern Group	Southern and Mountain Pacific Group						
In rates 0 to 80 cts. ton—10 cts. per ton In rates over 80 to 150 cts. ton—15 cts. per ton In rates over 150 cts.—20 cts. per ton	40	per cent 35 35 35	per cent  25 25 25 25						

To illustrate --

	In			
	East	West	South and Mountain Pacific	.In Canada
	cts.	cts.	ets.	cts.
A rate of 80 cts. per ton became. A rate of 150 cts. per ton became. A rate of 300 cts. per ton became.	112 210 420	108 203 405	100 188 375	90 165 320

Under the reduction in rates in the United States to become effective July 1, 1922, the situation will be:—

Where rate prior to 1920 increase was	]	In United Sta July 1, 1922	In Canada Aug. 1, 1922.		
There rate prior to 1920 morease was	East	West	South and Mountain Pacific	on Anthracite	Aug. 1, 1922 on all other coal
	ets.	cts.	cts.	ets.	cts.
80 cents per ton now becomes	101 189 378	97 182 365	90 169 338	90 165 320	80 150 300

Subsequent to the general increase in 1920, there have been a large number of substantial reductions in Canada between various points on different commodities. In Canada, among the more important reductions made by the railways, were the grain rates from Fort William and Lake ports to the Atlantic seaboard and Eastern Canada; on live stock on which a reduction of approximately 25 per cent was made in July. 1921, from the rates effective September, 1920; on hay in Eastern Canada; on lumber from the Pacific coast to eastern points; on wool and hides from western to eastern points, etc., etc.

In the United States a reduction in carload rates on grain, grain products, and hay in the western and Mountain-Pacific groups became effective in January, 1922; rates on live stock in the same groups in excess of 50 cents per 100 pounds were reduced 20 per cent, but not below 50 cents in October, 1921; and carload rates upon products of the farm, garden, orchard, and ranch were reduced 10 per cent in January, 1922. These are the only three instances where reductions

were made covering the entire country, or the whole of any one or more rate groups, since the increases of 1920 became effective. These rates are not being further reduced in the United States July 1, 1922.

## COMPARISON BETWEEN CANADIAN AND UNITED STATES PASSENGER FARES

Immediately prior to August 26, 1920, the standard passenger fare in the

United States was 3 cents per mile.

On August 26, 1920, the Interstate Commerce Commission authorized an increase of 20 per cent in all passenger fares, with a standard of 3.6 cents per mile. An increase or surcharge of 50 per cent was allowed in sleeping and parlour car fares, an increase of 20 per cent in excess baggage rates, and 20 per cent increase in rates for the carriage of milk in baggage cars, all effective on the same date.

In Canada, prior to September 13, 1920, the standard passenger fare east of and including McLeod, Calgary, and (Wolf Creek) Thornton, Alberta, was 3.45

cents per mile; west of these points, 4 cents per mile.

By general order of the Board No. 308, the passenger fares were increased by 20 per cent, subject to a maximum of 4 cents per mile. The order did not, therefore, increase passenger fares in British Columbia. An increase of 50 per cent was also allowed in parlour and sleeping car fares, and 20 per cent in excess baggage charge, but no increase was allowed in the rates for the carriage of milk in baggage cars.

On January 1, by the same order, the standard passenger rate east of McLeod, Calgary and Thornton was reduced to 3.795 cents per mile, and on July 1, 1921, the standard passenger fare reverted to 3.45 cents per mile.

On December 1, 1921, the increase or surcharge in parlour and sleeping car fares was reduced to 25 per cent over those in effect prior to September 13, 1920.

Comparison of rates in Canada and in the United States at present is as

follows:---

#### PASSENGER FARES

All territory	.Standard	.3·6 cts. per mile
Canada—		
East of McLeod, Calgary and		0.48.4
Thornton	.Standard	.3.45 cts. per mile
West of above territory	.Standard	.4 cts. per mile

#### SLEEPING AND PARLOR CAR FARES

United States	3	 .Surcharge of 50 per cent
Canada		 .Surcharge of 25 per cent

#### EXCESS BAGGAGE CHARGE

United States.	 	.20 per cent increase
Canada	 	.20 per cent increase

#### MILK IN BAGGAGE CARS

United	States	 	 	20	per cent increase
Canada				N	o increase

#### BASIC COMMODITY REDUCTIONS

At the hearings by the Special Committee of Parliament above referred to, both the Canadian Pacific Railway and the Canadian National Railways proposed that, outside of the question of the rates on grain from the Prairie Provinces to the head of the lakes, any decreases in freight rates in Canada should be confined to what they called "basic commodities," and, in the reference to the subject as found on page 47 of the Reports of the Special Committee,

Mr. Beatty, President of the Canadian Pacific Railway Company, states as follows:-

"It was apparent, however, that in 1921 certain industries felt the depression much more severely than others, and it was the opinion of the railway executives both in Canada and the United States, an opinion which, I think, is shared by the United States Government as expressed by the testimony of the Secretary of Commerce, Mr. Hoover, before the Interstate Commerce Commission, that inasmuch as the reductions were a matter of relief they should be first extended to those industries which most needed it. It was felt that more effective relief would be accorded in this way and that it would bear less heavily on the companies' revenues because of the exclusion from the reductions of numerous commodities in which the railway rate played a very small part. If the matter were one depending on the judgment of the railways, this method would be followed if the Railway Commission approved."

Mr. Beatty furnished the following list of basic commodities on which he thought reductions should be made; grain and grain products, forest products, coal, building material, brick, cement, lime, plaster, potatoes, fertilizer, ores, wire, rods, and scrap iron, to which later on, were added pig-iron, blooms, and The same list was afterwards approved by the Canadian National Railways.

In the Report of the Special Committe to the House above referred to, it

was stated as follows:-

"Basic commodities which may be afforded reductions should have the earliest possible consideration by the Board of Railway Commis-

While the recommendation of the committee is to be treated with respect, it is not binding in law upon this Board, it is arguable that in revising rates, the logical method to pursue is to redress antecedent necessary percentage increases by subsequent percentage decreases, thus minimizing the inequalities which the percentage increases had accentuated. As a matter of emergency action, however, revisions may be made on basic commodities in so far as is possible, consistently with other conditions now existing.

At a later sitting of the committee, both the Canadian Pacific and the Canadian National Railway Companies suggested that, in lieu of the coming nto effect of the Crowsnest Pass Agreement, the following percentage reductions rom present rates should be made upon these basic commodities, viz .:-

Grain and grain products west of Fort William......20 per cent 20 per cent East, and 16.66 per cent West Coal, exclusive of anthracite coal and coal from Fort William-Reductions specific. Rates 0 to 80 cts. per ton-reductions 10 cts. per ton over 80 cts. to \$1.50 per ton-reductions 15 cts. per ton over \$1.50 per ton-reductions 20 cts. per ton Building material-brick, cement, lime, and plaster..... Potatoes...
Fertilizers (other than chemicals).... Western Lines 16.66 per cent · Eastern Lines 20 per cent

Wire rods.... Scrap iron....

This proposal was not adopted by either the committee or the House as roposed, but, as before stated, the rates on grain and flour from the western rovinces to the head of the lakes were reduced to the original Crowsnest Pass

basis, and the question now arises as to what percentage of reduction the Board can reasonably grant upon these specific commodities under the changed conditions above referred to.

At a hearing of the Special Committee on the 20th day of June instant, Mr. Lan'gan, Freight Traffic Manager for the Canadian Pacific Railway Company, filed a statement showing what would be the reduction in the revenues of that company if the offer above referred to had been accepted, as follows:—

# STATEMENT FILED BY MR. LANIGAN—CANADIAN PACIFIC RAILWAY—BASIC COMMODITIES

Grain and grain products. \$ Forest products. Coal, exclusive of anthracite and coal from Fort William Potatoes. Building material—brick, lime, cement, plaster. Fertilizers (other than chemical) Pig iron, billets, blooms, wire rods, and scrap-iron. Ores.	5, 354, 139 1, 765, 147 476, 619 115, 358 353, 415 18, 621 132, 466 122, 704
International and interstate traffic, 10 per cent	8,338,469 2,220,000
Grand total	10,558.469

This showed a total, not including reductions on international traffic, of \$8,338.469, and, of this amount, \$5,354,139 was the estimated reduction on grain. Taking this from the total reduction leaves a balance of \$2,984,330 to be distributed among the other commodities. By the legislation hereinbefore referred to granting the Crowsnest Pass rates on grain as therein provided, according to the evidence of Mr. Beatty, as recorded on page 46 of the Reports of the Special Committee, assuming the grain traffic of the Canadian Pacific Railway to be the same as in 1921, the adoption of the Crowsnest rates would reduce their revenue by \$7,159,537, which taken from the sum of \$8,338,469 would leave \$1.178.932 still available for reduction in rates on the above list of basic commodities, and the Board, after very careful investigation, has concluded that this would be represented by a reduction of  $7\frac{1}{2}$  per cent on the rates now in existence on these basic commodities, less than the increases authorized by General Order No. 308, not, however, including therein any reductions heretofore made upon any of the said commodities upon domestic rates in Canada. This would leave increases on these commodities above the basis of September, 1920, at 123 per cent in Western Canada and 17½ per cent in Eastern Canada.

This reduction of 7½ per cent, however, should not apply to coal other than anthracite, which was not increased on a percentage basis, but by flat rates as hereinbefore particularly described, and, therefore, it is felt that all the increases on coal other than anthracite granted by the Board by General Order No. 308 should cease and the rates go back to those immediately preceding the 13th flav of September, 1920. This reduction, however, not to apply to coal from

head of lakes ports westbound.

These reductions in the revenues of the Canadian Pacific Railway together with reductions in international rates and those hereinafter provided for will amount to more than eleven million dollars per year, and, considering that the not revenue for that company for the first five months of 1922 shows a falling-off of \$2,393,000 as compared with the same months for 1921, the Board does not feel justified in going further in the direction of rate reductions.

The Canadian Pacific Railway figures are given above as this company is taken as the standard in rate discussions. An examination, however, of the Canadian National figures, while showing some improvement over 1921, shows a deficit in operating alone for the first four months of 1922 of \$6,945,000, the

only bright spot in the whole situation being the Grand Trunk, which shows a gain of \$2,591,000 for the first five months of 1922 as compared with the like period of 1921.

#### MARITIME PROVINCES

With regard to rates between Maritime Province points and stations west of Montreal, the earliest record is from a tariff published by the Grand Trunk in 1874, naming rates from territory west of Montreal to St. John and Halifax, which applied only via Portland and steamer, and were exclusive of marine insurance. From Toronto, the rates in this tariff were:—

То	Classes			
	1	2	3	4
St. John, N.B. S. W. Halifax, N.S. S. W.	100 106 100 110	Cents per 84 89 84 93	100 lbs.  67 71 67 74	50 51 50 55

S—Summer rate W—Winter rate

These rates are simply given as a matter of historical information, and, of course, play no part in the question as at that time the all-rail route via Rivière-

du-Loup was not in existence.

Following the opening of the all-rail route, the rates between Maritime Province points and territory west of Montreal were constructed by the addition to the Montreal rate of a scale of arbitraries. The earliest record is a tariff of 1891-1894, showing the following rates:—

	Classes		over M	trary
	1	5	1	5
	cts.	ets.	cts.	cts.
Toronto to Montreal. Toronto to St. John. Toronto to Halifax.	80	25 40 43	30 36	15 18

The record is not clear between 1894 and 1900 because the organization of this Board was only completed in 1904, and all tariffs then in effect were filed by the railways in that year. However, from 1900 to 1916, the arbitraries over Montreal were:—

То	Classes		
	1	5	
	cts.	ets.	
St. John Halifax	20 22	1	

These arbitraries were, of course, advanced along with all other rates, arbitraries, or proportionals under the various subsequent rate changes, and the situation is shown in the following tabulation:—

	Arbitraries over Montreal			l
	St. John Halifa Classes Classe			
	1	5	1	5
1891-1894 1900-1916 Dec. 1, 1916 Mar. 15, 1918 Aug. 12, 1918. Sept. 13, 1920 Jan. 1, 1921 Dec. 1, 1921	30 20 24 27 <sup>1</sup> / <sub>2</sub> 34 47 <sup>1</sup> / <sub>2</sub> 42 <sup>1</sup> / <sub>2</sub>	15 10 12 14 17 24 23 21 21	36 22 26 30 37 52 50 47	18 11 13 15 19 27 25 23

The Toronto-St. John rate provides the key to the entire situation so far as related to the freight rate structure between Maritime Province points and Ontorio territory, as the rates to and from the other Ontario groups are related to the Toronto rate, as fixed by the Board in the International Rates Order, and at the other end St. John is the pivotal point, the other groups bearing a fixed relation thereto. This system of ratemaking between the territories in question was in effort long before the creation of the Board and has since been aroundly sansidered, particularly in the Eastern Rates Case in 1916, more extended reference to which is contained in the judgment in that case; it is an integral part of the whole class rate structure in Eastern Canada and could not be changed without involving disturbance of the entire rate fabric in this territory. As the class rate structure in Eastern Canada is not being disturbed at this time no change should be made in these arbitraries.

With reference to rates between Eastern Canada and points west of Fort William, a different situation is found to exist. Instead of territorial groupings In Ontario, as in the case of the rates between Ontario and the Maritime Provinces, the rates are blanketed to and from the whole territory Montreal to Windson and Samia, inclusive, Sudbury to Niagara Falls, all intermediate points and all lateral lines. The reason is apparent the water lines operate from Montreal, calling at intermediate points to Sarnia, at a common rate to the Houl a de Lakes, while the westernmost points, such as Sarnia and Windsor, on rough St. Paul and thence western Canadian points with a short mileage via simulgo. From and to points east of Montreal it has been the practice to add an arbitrary to the Montreal rate. Montreal, through its geographical situation at the head of ocean navigation and as the terminal of the western river and lakes routes, is a natural breaking point. This group with its blanket rate takes in a large area-Montreal to Windsor, 555 miles-Montreal to Sudbury, 444 mile- Niagara Falls to Sudbury, 337 miles-Windsor to Sudbury, 480 miles. The distance from Montreal, the most easterly point, to Fort William, the head or labo navigation and the rate-breaking terminal between Eastern and Western Canada, is 997 miles. From Windsor, the most westerly point, the distance is 1,032 miles. While, at course, the blanket rate covering this territory is just field by the governing conditions outlined, points east of Montreal are put to an undue disadvantage in comparison by the addition to the Montreal rate of a sale of arbitraries that does not indicate an equitable continuation of a long haul rate.

Take, for instance, St. John. N.B., to Toronto, Ontario, a distance of 810 miles, split up St. John, N.B., to Montreal, 466 miles, and Montreal to Toronto

334 miles (C.P.R.), rate St. John to Toronto \$1.25 $\frac{1}{2}$  first class, Montreal to Toronto, 83 cents, difference east of Montreal  $42\frac{1}{2}$  cents per 100 pounds. Rate Montreal to Winnipeg, 1,417 miles \$2.67 $\frac{1}{2}$ , first class, rate St. John to Winnipeg, 1,885 miles, \$3.08 $\frac{1}{2}$ , difference east of Montreal, 41 cents. In other words, the difference over Montreal for the long haul to Winnipeg is practically the same for a haul of 1,885 miles as for a haul of 810 miles. This does not indicate the tapering of a through rate that a long haul justified and is due to the application

of a system of rate arbitraries.

The rate from Montreal to Winnipeg is made upon an arbitrary from Montreal to Fort William of \$1.39\frac{1}{2}, first-class, plus the regular first-class rate from Fort William to Winnipeg of \$1.28. The regular first-class rate Montreal to Fort William is \$1.991. This shows that effect has been given to the tapering process on a long haul by the addition of a reduced rate arbitrary east of Fort William to the full rate beyond. This process should not stop at Montreal. The first class arbitrary Montreal to Fort William of \$1.39 for 997 miles is represented on the Eastern Schedule a mileage scale by a distance 450 to 475 miles, \$1.40, first-class, or in other words, by a constructive mileage roughly equivalent to one-half the actual distance. The differences over Montreal should be blanketed by natural divisions, i.e., on group Montreal to Megantic, Que., a second, Megantic to St. John, N.B., and the differences should not exceed these that would exist under Schedule A were the actual mileage east and south of Montreal treated in the same manner as that between Montreal and Fort William, thus the Megantic group would be 12 cents per 100 pounds, first-class, and 6 cents fifth-class, over the Montreal arbitrary of \$1.391, while St. John would be 24 cents, first-class, and 12 cents, fifth-class, and Halifax 28 cents. first-class, and 14 cents fifth-class, and other Maritime groupings proportionately.

While this Board has no jurisdiction over the Intercolonial and Transcontinental Railways, yet, if this principle were adopted on those roads, then, as Quebec, a distance of 1,352 miles from Winnipeg via the Transcontinental Railway, takes the Montreal rate of \$2.67½, first-class, Moncton would naturally take the same arbitrary (as it is to-day) over Quebec rates as St. John, N.B., takes

over Montreal rates.

The St. John gateway provides via Canadian Pacific Railway the short mileage to Montreal; from Halifax and other points this route and gateway should be maintained to shippers (with the option of Ste. Rosalie) so that the advantage of the short constructive mileage of the Canadian Pacific Railway will continue to function as a rate factor.

These arbitraries over Montreal, first-class, should be scaled down on the usual relation between classes 1 to 10, and where commodity rates are published will apply as maxima over Montreal at the class of the commodity so treated.

#### APPLICATION OF SAULT STE. MARIE BOARD OF TRADE

Schedule A was established as a result of the International Rate Case.

Application was made at the recent hearings, on behalf of the Sault Ste.

Marie Board of Trade, asking that the northwestern boundary of the territory in which Schedule A applied should be extended to include the Soo branch to the city of Sault Ste. Marie. The representative of the Board of Trade stated that he understood that the limits were Parry Sound and North Bay.

In the discussion which took place, it was understood that while North Pay had been provided for in the original order, the territory had been extended to cover Sudbury. It appears from checking the rates that an error crept in and that Sudbury is not enjoying the full advantage of the Schedule A rates.

The Schedule A rates equalized certain conditions of water competition and American rail competition. Saut Ste. Marie which is making the application is a water competitive point. It appears from checking the rates that both sudbury and Sault Ste. Marie have to a modified extent been given the advantage of the Schedule A rates. What has been done has been to give the advantage of the Schedule A rates to North Bay. This is something available under the tariff. Then for the mileage beyond North Bay to Sudbury and to Sault Ste. Marie there has been given an arbitrary rate for the additional mileage, which is less than the full Schedule A rates would be for the same mileage; that is to say, what is done is not to give Schedule A rates on the through mileage but Schedule A rates on the mileage to North Bay and less than Schedule A rates on the mileage beyond.

As already stated the reduction is arbitrary. The tariffs do not disclose any

exact percentage reduction.

On consideration of the evidence submitted by the applicant and in view of the fact that the Schedule A territory has been extended to cover Sault Ste-Marie in the way above indicated, it would appear to be justifiable to make provision for Schedule A rates applying as requested, but basing this on the through mileage.

A similar adjustment should be made to Sudbury.

Such additional mileage on the Schedule A scale as is necessary to cover the extension should be provided for.

#### MOUNTAIN RATES-BRITISH COLUMBIA

The judgment in the Western Rate Case set out that initial construction and railway operation through the mountains were much more expensive than operation on the prairies. It was set out that "some differences in rates at the present time are not only justifiable but necessary. It is not contended, on behalf of British Columbia, that operation through the mountains is not much more expensive." The judgment held that these higher costs could not be "smeared" over the system so that British Columbia would have the same rates as those applying to the Prairie Provinces.

In the present application, various additional contentions were advanced. Emphasis was laid upon the implications alleged to arise from the steps cul-

minating in confederation.

What is involved in this is somewhat analogous to what was involved in Attorney-General for British Columbia vs. Can. Pac. Ry. Co., 346, in which it was held that under the terms of the contract with the Dominion Government for the construction of the Canadian Pacific Railway, dated October 21, 1880. Schedule to 44 Victoria, chapter 1, the only party who could make any complaint as to their non-observances was the Government of Canada.

Reference was also made to the alleged better climatic conditions existing in British Columbia as affects operating; and there was also set out the conditions which it was contended should be considered as a result of the conditions.

struction of the Canadian Northern Pacific.

It does not appear necessary to develop the question as to what implications, if any, are to be deduced from the finding regarding the Canadian National, as set out in the Privy Council Order following the appeal from the Board's decision in the so-called "Forty Per Cent Case." It would appear that the opinion of the late Chief Commissioner Mabee, which was quoted with approval in the Western Rate Case by the then Chief Commissioner, Sir Henry Drayton, is applicable here. The opinion in question is: "The question for us to decide is what rates are fair irrespective of how much any company is worth or is not worth."

In view of what is said herein as to the controlling effect of water and United States rail competition in the portion of Canada east of the Great Lakes, the rates there existing cannot be taken as the necessary proper measure of what the British Columbia rate should be.

Under the Western Rate Case, a basis of 1½ for 1 was adopted on the Pacific standard tariff. This, with the appropriate mileage grouping in the tariffs applicable, worked out on the average 30 per cent over the prairie standard. From 80 to 85 per cent of the British Columbia traffic is carried on commodity rates. In so far as these commodity rates are based on percentages of the standard rates, the effects of the standard rate adjustments are carried down, although in much less degree. In the movement on commodity rates of the staples of British Columbia the effect of the mountain scale is in many cases not apparent.

It is admitted by counsel for the province of British Columbia that the costs are still higher on the British Columbia division than on the prairie divisions. He refers, however, to costs east of the Great Lakes as supporting his contentions. As set out herein, it does not appear that deductions from the experience of other sections whose rates are dominated by water and United States railway

competition can be controlling here.

Following the reasoning of the Western Rate Case, a revision in the mountain scale as provided for in the Pacific standard is justifiable. On careful consideration, the reduction hereinafter provided for should be made; the Board

does not feel justified in going any further.

The rates of the new "Pacific" standard mileage tariff are to be constructed by applying to the "Prairie" standard tariff for distances up to and including 750 miles (the approximate maximum haul in British Columbia) 1½ miles for 1 mile, and to the rates so produced the 25-mile differences of the "Prairie" standard scale to be added for each 25 miles over 750 miles, so as to produce standard through rates for part mountain and part prairie hauls.

The distributing rates from recognized mainland distributing centres in British Columbia other than Vancouver and New Westminster, as well as the tariff between Vancouver and New Westminster and points east thereof, will be constructed from the new standard tariff in the same manner as at present, as prescribed in General Order No. 125, May 30, 1914, and Order No. 31648 of

October 11, 1921, respectively.

All commodity mileage rates applying locally between stations in Pacific territory, also on interchange traffic between Pacific and prairie territory, to be reduced so as to preserve the same relationship to the new standard mileage scale as they now bear to the present scale, such rates, of course, to be maxima

with regard to special commodity rates specifically published.

Rates on grain and grain products from "Prairie" points to stations in British Columbia, for domestic consumption, where now based on "Prairie" mileage scale, but using constructive mileage of 1½ miles for 1 mile for the mountain haul, to be reduced by figuring on 1¼ miles for 1 mile for the mountain haul.

#### LUMBER RATES

As the rates on lumber and forest products, including pulpwood, logs, poles, posts, etc., are to be reduced by  $7\frac{1}{2}$  per cent as hereinbefore described, it will be unnecessary to further consider the application of the Canadian Lumbermen's Association.

### EXCESS BAGGAGE

By General Order No. 308, passenger fares were increased by 20 per cent up to and including the 31st day of December, 1920, and by 10 per cent from

that date until the 1st day of July, 1921, when the passenger rates reverted to the standard of 3.45 cents per mile, and, by the same order, the rates on excess baggage were increased by 20 per cent. As the rates on excess baggage are built upon a percentage of the passenger fares, it is only logical that, when the passenger fares are reduced, excess baggage should bear the same reduction, and, therefore, it is considered that the rates on excess baggage should go back to the basis prior to September 13, 1920.

### EQUALIZATION BETWEEN THE PRAIRIE PROVINCES AND EASTERN CANADA

In the reference to the Board by the Governor in Council in the appeal in the so-called "Forty Per Cent Case," the Board's attention was directed to the advisability of conducting an investigation to see to what extent existing disparities of rates between different rate sections could be redressed. The reference was not based on the idea that the disparities were wrong per se. Under the Railway Act, not all discriminations or preferences are forbidden. As was developed with a plenitude of example, in the Western Rates Case, what is forbidden under the discrimination sections are preferences which are undue or discriminations which are unjust. The burden, therefore, was on the Board in the investigations made to ascertain whether under existing conditions the discriminations in rates existing were discriminations which fell under the inhibitions of the Railway Act.

Counsel for the provinces of Manitoba and Saskatchewan very frankly and fairly stated: ".... I have never at any time said otherwise than that I did not think that of necessity the rate for the same distance for the same commodity should necessarily be the same east as west or west as east. In my opinion, the equal treatment of unequal things is just as bad as the unequal treatment of equal things. I have never advanced, either in argument before this Board or before any other tribunal, or by evidence adduced, anything which would lend itself to the suggestion that I have advocated that any particular rate must of necessity be the same for any particular distance east as west. There are many other factors beside mere distance." Counsel continued that

longer hauls were important in the West; shorter hauls in the East.

Counsel in thus defining the issue emphasized that conditions peculiar to each of the rate areas compared must be given weight in determining whether the low rate existing for a given distance in one section is to be taken as the criterion of discrimination in another. In so presenting the matter, he was but following the position so clearly laid down by the late Chief Commissioner Killian in the early decisions of the Board, namely, that mere mileage comparisons do not afford criteria of discrimination, but that all facts material must be given weight. In other words, under the body of regulation which is developed under the Railway Act, mileage is not a rigid yardstick of discrimination; discrimination, in the sense in which it is forbidden by the Railway Act, is a matter of fact to be determined by the Board.

In the course of argument, counsel for the provinces of Manitoba and Saskatehewan emphasized the position that under his view of existing conditions there should be a reduction in grain rates, and, thereafter, there should be reductions on basic commodities, e.g., cattle, lumber, coal and the instruments

of production such as agricultural implements.

A further submission was made that articles in classes 5 to 10, not now covered by commodity rates, should be afforded a reduction. This practically means narrowing down to classes 5 and 7, as class 9, which is concerned with cattle, is unimportant from a rate standpoint, cattle moving on a commodity rate. Coal, lumber, and grain also move on commodity rates.

As already pointed out, a reduction, under Statute, has been made in the rates on grain and flour. Through the Board's instrumentality, a reduction on cattle was made. The articles of lumber and coal are dealt with specifically in the present judgment.

Reference has been made to the greater earning power of western lines, it being contended there is greater earning power both gross and net. At the same time, the larger mileage in the West, specific reference being made to

the Canadian Pacific mileage, may be noted.

The fundamental matter, however, in the present application, so far as the position of Manitoba and Saskatchewan is concerned, is in terms of the reference to the Board by the Governor in Council, to ascertain whether there is an unjustifiable discrimination existing as between the rates applicable in the province of Manitoba and Saskatchewan and the rates applicable east of the Lakes. Alberta was not represented by counsel; but what may be found in regard to the justification or otherwise of the difference between rates in Manitoba and Saskatchewan as compared with the section east of the lakes will have application to the situation in Alberta as well. While it is set out, as above, that Alberta was not represented by counsel, it may be said that counsel for the province of British Columbia dealt with certain phases of the situation concerned in his application as if the interests of Alberta and British Columbia were more or less identical. At the same time, it is not set out in the record by any submission from the province of Alberta that counsel for British Columbia was representing Alberta.

In dealing with the situation as between Manitoba and Saskatchewan on the one hand and the section east of the lakes on the other, the very fair and candid statement made by counsel for the province of Manitoba and Saskatchewan, which was in substance that mileage is not the fundamental criterion of discrimination must be given weight. It is necessary to look to the particular

facts affecting the rate adjustments in the particular sections.

The Western Rates judgment. in dealing with the establishment of special class rates from lake Superior and Pacific coast termini, stated, inter alia, that as to lake termini between Port Arthur. Fort William and Westfort and points west thereof, there should apply to and from points east of Winnipeg the prairie territory town tariff basis, subject to the rates to Winnipeg and St. Boniface as maximum; that to and from Winnipeg and St. Boniface the rates should be no greater than those of the prairie standard tariff for 290 miles; that to and from points beyond Winnipeg within prairie territory the maximum first-class rates were to be those of the prairie standard tariff for the through, mileage, made up of actual distance beyond Winnipeg added to the above mentioned assumed mileage of 290 miles east of Winnipeg.

The judgment in the Western Rates Case sets out how this constructive mileage of 290 miles east of Winnipeg on the movement from the lake termini was arrived at. The essence of the arrangement is that the mileage from the lake to Winnipeg being 424 miles, there is a concession of 134 miles on the movement concerned. This was built up on rate conditions which had developed in the West. There is not the same arrangement existing on a movement from

the East to Fort William.

Here, again, the particular facts of the section in which the rate adjustment is made must be considered, and it does not follow that the arrangement herein referred to would be a criterion of discrimination in connection with a

complaint as to a different rate adjustment east of the lakes.

Having in mind the special conditions of the territory west of the lakes, a special rate adjustment has been made on the very important commodity of agricultural implements. In the shipment of these from points in Eastern Canada, e.g., Hamilton to Montreal, inclusive, the rate to western points is on

the Chicago basis, that is, the rate from Chicago to said points applies. In view of the system whereby the rates east of Montreal are built up on differences over that point the effect of this rate reduction is carried further east in so far as originating points shipping to the Prairie Provinces are concerned. This, again, is based upon special traffic conditions, and would not necessarily afford a criterion of unjust discrimination in respect of a different treatment in the East in regard to similar mileages concerned.

In the presentation of counsel for the provinces of Manitoba and Saskatchewan, reference was made to the difference in classification basis. In the East, the 5th class rate is one-half of 1st. In the West, the 4th class rate is one-half of 1st. Reference was made to this as showing, inter alia, a considerable difference as affecting the important 5th class; and since the distributing rates are built up by taking a percentage off, it was contended that this difference

was carried down into the distributing rates.

In general, the apparent conclusion Counsel had in mind was that the Board should construct a basis of its own.

As especial reference was made to the 5th class, some comments in this connection are necessary. In eastern Canada, the 5th class is 50 per cent below the 1st; in Western Canada it is 55 per cent. It may be remarked in passing that in Eastern Canada the 4th class is  $37\frac{1}{2}$  per cent below the 1st class rate, while in Western Canada it is 50 per cent below the 1st class rate. Putting it in another way, if the 5th class rate is taken and scaling is made up to the 1st, then in Eastern Canada the 4th class rate is 25 per cent above the 5th class rate, while in Western Canada it is 10 per cent above the 5th class rate.

It was suggested by counsel that the Board should construct a standard of

its own, taking the foundation of the Western American Classification.

If the western scale were constructed with the relationship between the classes in conformity with the eastern scale, starting with the 1st class rating in the western scale and scaling down the other classes under the eastern plan, this would result in a large increase in the rates for all classes below the 1st.

If one-haf of the 1st class in the West were taken and put in the position of one-half of the 1st class in the East, this would mean taking the present western 4th class, which is one-half of 1st, and putting it in the position of the eastern 5th class, which is one-half of 1st, and then scaling the other classes on the eastern plan, the result of this would be to produce the same result as the other method just mentioned.

The question of the standardization of the western rate scales is dealt with in the judgment of the Western Rates Case, in section 19, under the heading of "Standardization". Reference may be made to this as bearing on the history of the development. The citation set out in the judgment, in the report of the Board's Chief Traffic Officer, the late Mr. Hardwell, emphasizes the advances which would take place if the western rate scale were standardized on the Eastern Canada basis.

Bound up to the difference in classification basis is the difference in one of the fundamental rules of the classification, namely, that concerned with the mixing privilege. As a result of a compromise arising out of the strong position taken by the western jobbers, the more liberal mixing rule of the East is not applicable west of Fort William. West of Fort William, the mixing rule is limited by the trade list principle, and, in general, favour is shown, judging from resolutions filed with this Board by representative trade bodies in the Prairie Provinces, to limiting the mixing rule to articles normally moving in carload quantities. This, again, emphazise a difference in traffic conditions as between the East and the West.

At a meeting held in Winnipeg on April 26, 1921, at which there were present representatives of the Boards of Trade of Brandon, Calgary, Edmonton, Lethbridge, Montreal, Moose Jaw, Regina, Toronto, Vancouver, Winnipeg and the Saskatoon Chamber of Commerce, as well as representatives of the Canadian Manufacturers' Association, there was under discussion the question of a change from the trade list principle in the classification; and the following Resolution was passed:—

"1. It was decided that in the best interests of both Eastern and Western Canada Rule 2 and the trade lists of the present classification should be continued and substituted for proposed Rule 10 of the Canadian Freight Classification No. 17.

"2. It was also decided that a Classification Committee representing western Boards of Trade or other business organizations and railways be named to consult with the present eastern Classification Committee in

connection with the provisions of the new classification.

"3. It was further the opinion of the meeting that there should be no disturbance at the present time in the present class rate relationships now exising in Eastern and Western Canada as a result of the finding of the Board of Railway Commissioners in the inquiries conducted in the Eastern and Western Rate Cases and orders issued in relation thereto, and subsequent orders.

"4. The chairman of this meeting was instructed to submit a copy of this resolution to the Board of Railway Commissioners to-morrow."

It may be noted that the Saskatoon Chamber of Commerce dissented from paragraph 3, and the representative of the Vancouver Board of Trade stated he could not vote in favour of the resolution but would submit it to his Board of Trade.

It thus appears on the records before the Board that in regard to classification arrangement there are differences of traffic interest between the Prairie Provinces and the territory east of the Great Lakes. It appears that commercial conditions in the West emphasize a preponderating movement of traffic in carlots and, consequently, any standardization which would effect an increase on the distinctly carload classes would bring about a serious dislocation of business. Here, again, the situation is that differing conditions have brought about different practices and rules, and the rule or practice existing in one section and giving a different treatment is not a necessary measure of discrimination in another section.

Counsel for the provinces of Manitoba and Saskatchewan stated that there was a difference in average hauls East and West, and while stating that in various cases the shorter hauls were at much lower rates in the West than in the East, he contended that the important matter in the West was the long haul. It is a legitimate deduction from this to say that the level of the rate in the East being, according to counsel's submission, concerned with an average short haul, affords no necessary criterion of what the rate should be on longer haul traffic in the West.

It was testified by the Canadian Pacific Railway Company that its rates on building materials in the prairies were lower than in Eastern Canada, there having been taken into consideration the necessities in connection with sup-

plying shelter.

The examples given are illustrative of the fact that differing commercial conditions have brought about differing traffic rates and arrangements, and simply attract attention to the position that it is not in the abstract rates but in the concrete conditions that the measure of determining whether the rate structure is discriminatory or otherwise must be found.

In the Westerr Rate judgment, after a very careful analysis of the rulings of the Board in the matter of discrimination and searching analysis of traffic conditions, the Board found that water competition, generally speaking, was effective in the East. It found that, in the main, the rate structure of Eastern Canada was justified on the basis of water and rail competition; and the following language was used:—

"For the reasons stated, I am of the opinion that while discrimination exists between the rates charged east and west of Port Arthur, the discrimination is justified under the Railway Act and the decisions of the Board already referred to. It is neither undue or unjust."

See section 9 of the judgment in question.

In the hearings before the Board in the present case, considerable attention was devoted to the matter of water competition in its bearing upon rates in Eastern Canada. Counsel for the provinces of Manitoba and Saskatchewan was disposed to minimize the importance of this water competition. It is true that on account of tonnage readjustments arising out of the war and the incidents thereof there have been fluctuations in the water-borne tonnage, yet this does not detract from the fact that from the ocean well into the middle of the continent there is a water highway on which vessels are free to go and come, not tied down to any particular route, and not involving the large fixed investments which are essential to railway transportation. It is also true that adjacent to this section of Canada are the rail lines of the United States which are equally subject to the effect of this water-borne traffic; and it does not appear that any vital change in this respect has taken place since the date of the decision in the Western Rate Case.

While as a consequence, naturally to be expected, from difference of conditions, many prairie rates have a spread over the eastern rates, the course of the decisions of the Board, including the present decision, has been to narrow this

spread wherever possible.

The matter has been put in a succinct way in the evidence before the Special Committee appointed to consider railway transportation costs. Counsel who appeared before the Board for the provinces of Manitoba and Saskatchewan represented these provinces, as well as Alberta, before the Committee. At p. 300 of his evidence, in dealing with the different scales, he said:—

"First there is the eastern scale which, I will develop later, is held down by maximums created by water competition, potential and otherwise, and by American rail competition."

Again, at p. 301, in summarizing the provisions of the Railway Act in regard to discrimination, he used the following language:—

"The railways, when we replied that we were discriminated against in respect of eastern rates answered and the Board has held it to be a good answer. True, there is a disparity, a discrimination, and I propose to give you the four or five decisions in all the rate cases to that effect, that there is discrimination, a disparity against us, but the railways have satisfied the onus of showing that it is not unjust or undue, because railway rates in the east are held down by water competition and American rail competition, something they cannot control, and therefore that excuses that discrimination."

The Board holds that the differences in rates as between the Prairie Provinces and Eastern Canada as referred to do not constitute an unjust discrimination or undue preference.

#### CONCLUSIONS

All steam railways in Canada under the jurisdiction of this Board shall file tariffs, effective the first day of August next, providing for the following reductions, viz.:—

(a) On the articles, other than grain and flour, hereinbefore referred to as basic commodities, namely, forest products, building material, brick, cement, lime, and plaster, potatoes, fertilizers (other than chemicals), ores, pig-iron, blooms, billets, wire rods, and scrap-iron, a decrease of  $7\frac{1}{2}$  per cent from the increase given by General Order No. 308 and any other orders affecting the said commodities issued since that date, which will hereafter leave the increase granted by said General Order No. 308, in Western Canada, at  $12\frac{1}{2}$  per cent and, in Eastern Canada, at  $17\frac{1}{2}$  per cent; the term "forest products" as set out in such list to be defined as follows:—

In the territory east of Port Arthur, Ontario, in accordance with the list of commodities shown in Canadian Pacific Railway tariff C.R.C. No. E-3818, as taking rate basis "A"; in the tariffs from British Columbia to prairie points on the commodities taking Group A and Group B rates, as shown in Canadian Pacific Railway tariff C.R.C. No. W-2573; and from stations in Alberta and British Columbia to stations in Eastern Canada, in accordance with the Canadian Freight Association Tariff C.R.C. No. 30; also on pulpwood west of Port Arthur, Ontario.

In cases where reductions heretofore granted or ordered upon these commodities have not amounted to  $7\frac{1}{2}$  per cent as above described, they shall be reduced to that point, and, where they exceed  $7\frac{1}{2}$  per cent, they will remain as they are at present.

These reductions are made upon the same basis in both Eastern and Western Canada with the object of preserving the same spread between these territories

as was provided by General Order No. 308.

(b) On coal, other than anthracite and coal from the head of the lakes westward, all increases provided for by General Order No. 308 to be rescinded.

(c) On commodities moving under class and commodity rates between points east of Montreal and points west of Port Arthur and Fort William, the establishment or arbitraries as provided for herein;

(d) On the territory between North Bay and Sault Ste. Marie, Schedule A

rates to be applied;

(e) Mountain rates to be reduced to the basis provided for herein; and

(f) The increase in excess baggage rates, as provided for in General Order No. 308, to be eliminated.

With the above exceptions, all tariffs now in effect, either under the provisions of General Order No. 308, as amended by General Order No. 350, or as the result of voluntary action by the carriers, shall remain in force.

A. D. CARTWRIGHT.

Secretary, B.R.C.

OTTAWA, June 30, 1922.

#### GENERAL ORDER No. 367

In the matter of General Order No. 177, dated January 10, 1917, requiring the publication of a rule to govern rates to intermediate points in Canada not named in international tariffs:

File No. 26963.44

Upon its appearing that a uniform practice in connection with both freight and express tariffs is desirable,—

The Board orders: That all international express commodity tariffs now in effect be amended so as to include a rule to the effect that rates named therein, unless specifically indicated as being competitive, will apply to or from intermediate points in Canada not enumerated in the said tariffs; and that a similar rule be published in international commodity tariffs as issued.

F. B. CARVELL, Chief Commissioner.

OTTAWA, June 29, 1922.

### GENERAL ORDER No. 368

In the matter of the General Order of the Board No. 280, dated December 23, 1919, amending General Order No. 248, dated August 19, 1918, by striking out Regulation 9, on page 2 of the Order, and substituting therefor the following, namely: "9. That a signal of a servicable type, to be approved by the Board, be used to display the signals directed to be provided under Rules 3 (b) and 6 (Yellow Signal) of this Order and Rule 35 (Yellow Signal) of the Uniform Code of Operating Rules":

File No. 4135.25.5

Upon reading the reports of its Chief Operating Officer,-

The Board orders: 1. That the said General Order No. 280, dated December

23, 1919, be, and it is hereby, rescinded.

2. That General Order No. 248, dated August 19, 1918, be, and it is hereby, amended by striking out Regulation 9. on page 2 of the Order, and substituting therefor the following, namely:—

"9. That a signal of a serviceable type, consisting of a bunting flag 22 by 28 inches, five feet above rail level, supported by any satisfactory device which will securely maintain such flag in proper position, be used to display the signals directed to be provided under rules 3 (b) and 6 (Yellow signal) of this order and rule 35 (Yellow signal) of the Uniform Code of Operating Rules."

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, June 29, 1922.

# GENERAL ORDER No. 369

In the matter of the application of the Railway Association of Canada, under section 287 of the Railway Act, 1919, for an amendment to Rule No. 33, of the General Train and Interlocking Rules, approved by Order No. 7563, dated July 12, 1909, so as to provide for the use of red signals by highway crossing watchmen as a warning to highway travel that trains are approaching:

File No. 4135.70

Upon hearing the application at the sittings of the Board held in Ottawa, June 21, 1922, the Railway Association of Canada, the Grand Trunk, Canadian Pacific, Toronto, Hamilton and Buffalo, and Pere Marquette Railway Companies, the Canadian National Railways, Michigan Central Railroad Company, New York Central Railroad Company, the Brotherhood of Locamotive Engineers, the Brotherhood of Locamotive Firemen and Engineers, the Order of Railway Conductors, and the Trainmen of the Grand Trunk Emiway Company being represented at the hearing, and what was alleged; and upon the report and recommendation of its Chief Operating Officer.—

The Board orders: That Rule No. 33 of the said General Tran and Inter-locking Rules be struck out, and the following substituted therefor, namely:—

- "33. Watchmen stationed at public road crossings must, by day, display a metal disc (16 inches in diameter, white background, with the word 'stop' in large black letters, and a black border); and, by night, a red light, to warn pedestrians and persons in vehicles that a train is approaching. Where gates are provided, a red light, booded so as to show to the highway only, must be displayed by night."
- 2. That the General Orders of the Board Nos. 247 and 257, dated respectively August 6, 1918, and December 6, 1918, made herein, be, and they are hereby, rescinded.

F. B. CARVELL, Chief Commissioner.

OTTAWA, August 10, 1922.

### GENERAL ORDER No. 370

In the matter of the General Order of the Board No. 368, dated August 10, 1922, amending the General Train and Interlocking Rules by striking out Rule 33 thereof and substituting therefor the rule set forth in the Order:

File No. 4135.70

Whereas it appears that the said General Train and Interlocking Rules do not apply to certain railway companies incorporated elsewhere than in Canada, owning, controlling, operating or running trains or rolling stock upon or over lines of railway in Canada either owned, controlled, leased, or operated by such companies, and that said companies had been operating under their own rules;

And whereas it is deemed desirable in the interest of uniformity in the operation of railways in Canada that rule 33 prescribed by said General Order

No. 369 should have general application.

The Board therefore orders: That every railway company incorporated elsewhere than in Canada and owning, controlling, operating or running trains or rolling stock upon or over any line or lease of railway in Canada either owned controlled, or operated by such company or companies adopt and put into effect

forthwith in connection with the operation of their trains in Canada the following rule, namely:—

"Watchmen stationed at public road crossings must, by day, display a metal disc (16 inches in diameter, white background, with the word, 'stop' in large black letters, and a black border); and, by night, a red light, to warn pedestrians and persons in vehicles that a train is approaching. Where gates are provided, a red light, hooded so as to show to the highway only, must be displayed by night."

S. J. McLEAN,
Assistant Chief Commissioner.

OTTAWA, September 6, 1922.

### GENERAL ORDER No. 371

In the matter of the complaints of the Canadian Lumbermen's Association, Dominion Canners, et al, against the proposed change published in tariffs of various railways to be applicable on box shooks, in carloads.

File No. 29253.5.

Upon reading the submissions filed in support of the complaints,-

The Board orders: That the change in tariffs or supplements filed by rail-ways subject to the jurisdiction of the Board qualifying the wording of the item providing for box shooks, in carloads, by stipulating that the same will not apply on material cleated or glued together or otherwise made up, and providing on such material the box shook minimum weight and rate plus four cents (4 cents) per 100 pounds, be, and the same is hereby, disallowed, as from November 1, 1922, pending hearing on a date to be fixed by the Board.

F. B. CARVELL, Chief Commissioner.

OTTAWA, November 3, 1922.

## GENERAL ORDER No. 372

In the matter of the General Order of the Board No. 326, dated January 14, 1921, authorizing an exchange surcharge of sixty per cent of the rate of exchange on all international shipments, other than coal and coke, to be added to the total through charges, including advanced charges, payable to United States carriers, when payable and collected in Canada;

And in the matter of the applications of the Canadian Manufacturers' Association and the Calgary Board of Trade for an Order suspending the operation of the Order and the authority granted by it to

the railway companies to levy and collect the said surcharge.

File No. 29674.1-2

Upon reading the written submissions filed by the Canadian Manufacturers' Association, the Canadian Freight Association, and other interests affected, and

hearing what was alleged on behalf of the Calgary Board of Trade and individual shippers, at the sittings of the Board held in Calgary, September 28, 1922,—

The Board Orders: That, for the present, and until further or other order, made either upon application or by the Board of its own motion and without notice, if it shall be deemed desirable or necessary to do so, the companies be, and they are hereby, relieved from complying with the requirements of paragraph 3 of the order, obtaining from the Bank of Montreal the rate of exchange for New York funds at the time and upon the dates specified in the said order, and making monthly returns to the Board showing the amount of surcharges collected.

F. B. CARVELL, Chief Commissioner.

OTTAWA, November 24, 1922.

## GENERAL ORDER No. 373

In the matter of the General Order of the Board No. 372, dated November 24, 1922, relieving the Railway Companies, until further Order, from complying with the requirements of paragraph 3 of General Order No. 326, dated January 14, 1921, in the matter of exchange surcharge on all international shipments, other than coal and coke.

File No. 29674.1-2

Upon its appearing that the rate of exchange quoted for New York funds exceeds one per cent,—

The Board orders: That, for the present and until further Order, the said General Order No. 372, dated November 24, 1922, be, and it is hereby, rescinded.

F. B. CARVELL, Chief Commissioner.

OTTAWA, December 30, 1922.

#### CIRCULAR No. 196

April 11, 1922.

General Order No. 330, re Inspection of Steam Railway Boilers.

File No. 29116.1

Under direction of the Board I enclose you herewith draft Order herein, and I am directed to state that all railway companies subject to the Board's jurisdiction are required to show cause why the recommendation of the Board's Mechanical Expert, as set forth in the said draft, should not be put into full force and effect.

By order of the Board,

A. D. CARTWRIGHT, Secretary

### ORDER No.

out conferred upon it, and for the further carrying out the Board No. 330 re the Inspection of Railway Steam Boilers, other than Locomotive Boilers.

File No. 29110.1

That all railway companies under the jurisdiction of And the William Chief Operating Officer of the Board, within thirty days the numbers of all stationary boilers owned by The state of the countries to time with the Chief Operating Officer of the There is any additional stationary boilers that may be purchased, built or leased by the said railway companies.

> BOARD OF RAILWAY COMMISSIONERS FOR CANADA

# CIRCULAR No. 197

October 17, 1922.

Re Whitewashing Return Fences and Cattle Guards.

File 32146

I am directed to ask that you inform the Board whether or not it is the mission in a majority to white wash the return fences and cattle guards on

This information is desired by the Board with a view to arriving at

A D. CARTWRIGHT. Secretary.

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